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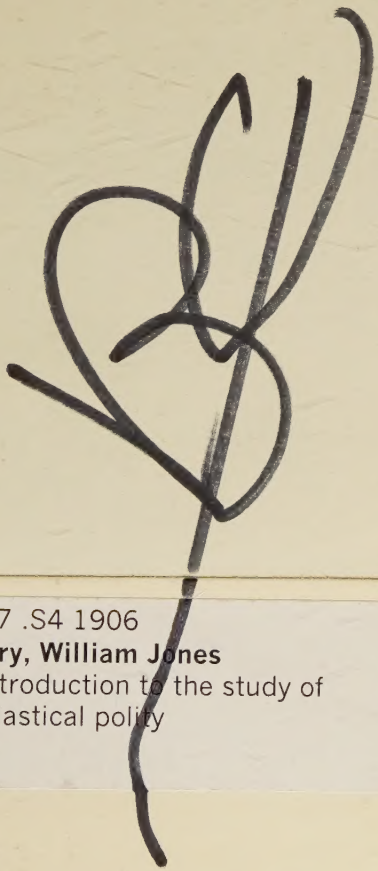

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W. G. Waterbury.

Feb. 1906

With best wishes
of the Author
Wm J Seabury

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AN INTRODUCTION

TO THE STUDY OF

ECCLESIASTICAL POLITY

BY

WILLIAM JONES SEABURY, D.D.

CHARLES AND ELIZABETH LUDLOW PROFESSOR OF ECCLESIASTICAL POLITY AND LAW IN THE GENERAL THEOLOGICAL SEMINARY, NEW YORK, AND SOMETIME RECTOR OF THE CHURCH OF THE ANNUNCIATION

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PREFACE.

FEW subjects are more important, or, in view of the confusing effect of controversies, more difficult to be understood, than that of the government of the Church; not only as such understanding affects our duty to God in the matter of religious faith, but also as it bears upon our duty to our neighbor, and particularly upon what we owe to the Civil Authority.

The following pages are the result of an effort to think out to their proper conclusions certain fundamental principles in this subject considered in these relations, and to apply the conclusions to existing facts. What success may have attended the effort, the reader will determine according to his own judgment, which, in many cases, will doubtless be more just than that of the writer. The effort, however, with such assistance as the writer has been able to derive from the learning of others, has been honestly made; and although neither in its principles nor in its applications does it extend so far as is desirable, yet the process which it essays is certainly one for which there is great need, especially in regard to the American system here treated. If the book shall in any degree meet the need, or prove of service in aiding others to meet it, the author will be content.

The digesting of the matter here presented into the form of propositions and remarks, has been found useful in lectures to students in this department; and may, it is hoped, prove a convenience to the more general reader, to whose candid consideration the work is respectfully submitted.

W. J. S.

ANNUNCIATION RECTORY, NEW YORK,
Feast of St. Bartholomew, 1894.

NOTE FOR THE SECOND EDITION.

SINCE the first appearance of this book, it has been subjected to the comparative study of professor and student in successive classes of the General Theological Seminary. The close observation attendant upon this study has naturally led to the detection of some inaccuracies of expression, traceable either to the printer or to the author, and, so far as such inaccuracies have been discovered, a careful effort has now been made to correct them.

Had the same process resulted in the disclosure of any serious flaw in the positions taken in the text, the present opportunity to modify or abandon them would gladly be embraced. But neither from the students (in whom discipleship by no means precludes criticism) nor from the nearly equal number of others who have handled the book during the same interval has there been anything to suggest the need of correction in this respect.

Under these circumstances the book is again submitted, substantially as at first, to the consideration of those who may peruse it. W. J. S.

8 CHELSEA SQUARE, NEW YORK,
Feast of the Annunciation, 1900.

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ECCLESIASTICAL POLITY

PROPOSITION I.

Human government is a condition of moral being, imposed upon man as a natural being for the regulation of his will in society.

The natural powers of man, those which he has in himself as an individual, must needs be modified in their use by the action of other individuals. Although designed by his Creator for society, man was created single, and afterwards brought into companionship. "Some time must have elapsed before the creation of the woman, during which the several kinds of inferior creatures were brought before the man, and received names from him. . . . Society began in Paradise by the sacred and mysterious institution of marriage, designed even then as a type of the ineffable union of Christ and his Church."* This beginning of society worked a change in the conditions of man's life, and thus there was imposed upon him, in addition to that which was simply natural, another form or mode of being which may be called moral. Actually, at least from this time, man has lived in a social state; but,

* "The Church of the Redeemed," by Rev. Samuel Farmar Jarvis, D.D., p. 11.

abstractly, we may distinguish between his natural being, according to the divine creation, and his moral being, according to the divine imposition.

For the better understanding of this distinction, and for a useful and suggestive analysis of society, the student is referred to Puffendorf's essay on the origin and variety of *Moral Entities*, being the introductory chapter to his "Law of Nature and of Nations," a partial abstract of which, arranged with a view to tabulation, will be found in the Appendix.

PROPOSITION II.

The will of God is the foundation of all authority in human government.

MAN, as by nature an intelligent being, is capable of imposing conditions of moral being upon himself; but, as a created being, he is limited in this respect by the will of his Creator.*

Such forms of government and rules of action as man imposes upon himself, derive their authority from the express or implied will of God. They are either based upon the Divine commandment, or result from the freedom in which man may have been left by the Divine permission, or absence of commandment. Otherwise, *i.e.*, where they are contrary to the Divine will, they have no authority of moral obligation.

It is, of course, not necessary that the Divine will should be expressed for the sanction of all institutions of human government, but only that those which men choose to establish should not be contrary in form or principle to those as to which the Divine will has been expressed and is ascertainable. And the evidence of that Divine will by which the authority of human institutions of government must be tested, is to be sought not in the inward conviction of the individual man, nor yet solely in the judgment of individuals collectively in a community; but, ultimately, in Holy Scripture as interpreted by the traditional testimony of the Church,† and in the general con-

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* "Man, considered as a creature, must necessarily be subject to the laws of his creator, for he is entirely a dependent being."—BLACKSTONE'S *Commentaries*, i. 39.

† 2 St. Pet. i. 20.

sent of mankind, which is the accepted evidence among civilized nations of the law of nature—a law which is not contrary, but agreeable, to Holy Scripture so interpreted.*

* "We must further observe that this natural law does not only respect such things as depend not upon human will, but also many things which have been allowed by the general consent of mankind. Thus dominion, as now in use, was introduced by man's consent, and being once admitted, this law of nature informs us that it is a wicked thing to take away from any man against his will what is properly his own."—GROTIUS: *Of War and Peace*, Book I. ch. i. 4.

What later writers regard as the law of nature was by the civil law regarded as the law of nations; and use was regarded as evidence of it.

"The law of nature is not a law to man only, but likewise to all other animals. . . . That law, which a people enacts for the government of itself, is called the civil law of that people. But that law, which natural reason appoints for all mankind, is called the law of nations, because all nations make use of it."—*Inst.* JUST., Lib. I. Tit. ii., Harris, pp. 6, 7.

Accordingly Grotius says: "The proofs on which the law of nations is founded are the same with those of the unwritten civil law, viz., continued use, and the testimony of men skilled in the law."—*War and Peace*, B. I. ch. i. xiv.

It is true that Puffendorf rejects this principle on the ground of inconvenience, and Cumberland ("Laws of Nature," Intr.) with the desire of deriving the law of nature from its proper cause or foundation. It cannot, of course, be held that the law of nature is founded in consent, but only that consent is evidence of it, and this evidence must necessarily be applicable only to the more elementary and general principles of human action. If, as Blackstone observes, the nature of man had continued as originally created, reason would have been a sufficient guide; and the practice of men would then have furnished adequate evidence. Hence the need and the benefit of the Divine Revelation in Holy Scripture.

"The doctrines thus delivered we call revealed or Divine law, and they are to be found only in the holy scriptures. These precepts, when revealed, are found upon comparison to be really a part of the original law of nature."—BLACKSTONE'S *Commentaries*, i. 42.

PROPOSITION III.

In three departments human government is of Divine imposition; the Family, the Church, and the State: in the first two, essentially and formally; in the last, essentially.

In the nature of the obedience required, and of the sanctions upon which it is required, these departments are essentially distinct, but in form they have not always been distinct. The powers belonging to both Church and State were originally blended with those belonging to the Family.

In the Family the government is placed by Divine law in the husband and father. "Thy desire shall be to thy husband, and he shall rule over thee" (Gen. iii. 16). "Honor thy father and thy mother" (Ex. xx. 12). "If a woman vow . . . unto the Lord . . . being in her father's house in her youth; and her father hear her . . . and hold his peace . . . then all her vows shall stand . . . but if her father disallow her . . . not any of her vows . . . shall stand: and the Lord shall forgive her, because her father disallowed her. And if she had . . . an husband, when she vowed," the same rule applied as to him (Num. xxx. 3–9). In St. Matthew xix. 4–6, and St. Mark vii. 9–13, our Lord republishes the original law involving the unity of marriage and the subordination of the woman to the man, and of children to parents. St. Paul teaches children to obey their parents, on the ground of the obligation of the fifth commandment (Eph. vi. 2); and enjoins upon the wife "that she reverence her husband" (Eph. v. 33). This government, however, is not absolute, but limited by correlative

duties of the ruler. The duty—not the sentiment, but the duty—of love to the wife is enjoined upon the husband under the sanction of the love of Christ for the Church (Eph. v. 25); and forbearance is urged upon parents even as obedience upon children. "Fathers, provoke not your children to wrath" (Eph. vi. 4). So in the relation of master and servant—always in the Scriptural aspect a part of the family relation—the power recognized in the master and the duty enjoined upon the servant do not exclude the duty of the master and the right of the servant. "Servants, be obedient to them that are your masters . . . with good will . . . as to the Lord . . . and, ye masters, do the same things unto them, forbearing threatening: knowing that your Master also is in heaven" (Eph. vi. 5–9).

In the State the form of government is not settled by the Divine will. The principle of subordination to the civil authority is settled, but not the form in which that authority is to be exercised. The acquirement and the tenure of power to rule over men is attributed to the gift and will of God, as in Dan. ii. 21, v. 18–22; the exercise of the power to tax is recognized, as in St. Matt. xvii. 27, xxii. 21. St. Paul states the doctrine in comprehensive terms (Rom. xiii. 1–6): "Let every soul be subject to the higher powers . . . the powers that be are ordained of God," etc., and urges on Timothy the duty of prayer for all that are in authority (1 Tim. ii. 1–3); and St. Peter states the same doctrine (1 Pet. ii. 13–17).

"Of what kind soever the government be, or upon what condition soever the magistrates be chosen or admitted, or howsoever their power be limited, the power or magistracy is from God, is the ordinance of God, and may not be resisted. That this nation should be governed

by a king, another by peers or nobles, another by the people, or by magistrates of the people's choosing either annual or for term of life, this is not determined *jure divino*, by any express or positive law of God, but is reserved unto the guidance of his ordinary providence, who sometimes directs one people or nation to make choice of this form, another to make choice of that." *

In the Church the Divine will has not only lodged a power of government, but has also made provision for the form in which that power is to be exercised.

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* Thomas Jackson, D.D., a learned divine of the seventeenth century, sometime President of Corpus Christi College, Oxford, and Dean of Peterborough. "Treatise of Christian Obedience," chap. vii. § 6. Works, vol. xii. p. 312. Oxford edition, 1844.

PROPOSITION IV.

The three departments of human government supplement one another in the regulation of the human will in society. Each one has its own sphere: neither is sufficient without the others.

The family is the school in which human beings are to be trained from youth for the discharge of duties in Church and State. The Church and the State have separate fields of work, in which the Church may be said to begin where the State ceases to act in the moral development of the individual.

The State teaches men the duty of outward obedience to such commands as are necessary for the order and prosperity of the community, and enforces its commands by fear of direct punishment involving life, liberty, and property.

The Church teaches men such obedience, but on higher principles; leading men to obey for conscience' sake those commands of the State which are in accordance with the will of God, and requiring also other duties, of worship, faith, repentance, and charity. The Church requires all the good which the State requires, and more also; but enforces its requirements only by spiritual sanctions, with a view to fit men for the future life.

Practically the State holds the position of keeping in a certain degree of obedience to the moral law those whom the influence of the Church never reaches or never

affects. This kind of forcible government is necessary to enable the Church to work in peace. But the Church teaches the faithful not to need compulsion, but to obey for conscience' sake. (Rom. xiii. 1–4 ; 1 Tim. ii. 1, 2.)

PROPOSITION V.

The Church and the State are distinct communities, the governments having jurisdiction partly concurrent and partly complementary: concurrent in so far as they extend over the same territory and relate to the same persons; complementary in respect to their administration of law.

1. THE theory that there is in every nation a community of individuals whose temporal interests are provided for by one department, while their spiritual interests are provided for by another department of the same government, is only sound on the supposition that the government is a Theocracy. In the instance of Theocratic government presented by the Old Testament, we find this theory developed in practice. The Jewish people were one community, ruled by one government with civil and ecclesiastical departments. But these departments were kept within their respective limits by the power of the Divine Sovereign. Wherever this experiment is tried without the existence of such an acknowledged Sovereign power, the inevitable tendency is to elevate one above the other, and, in the long run, either the civil will control the ecclesiastical by virtue of its coercive power, or the ecclesiastical will take possession of the coercive powers of civil government, and so the Church will swallow up or emasculate the State. In the one case, Erastian views will prevail; in the other, the views that have become identified with the Papacy.

The traces of the working of this theory are not quite undiscernable in the English system: and sometimes the

parallel has been run in this respect between England and Judæa. Certainly, if the practical result of the connection between Church and State in England has not been to weaken the Church and subordinate it to the power of the State, the tendency in that direction has given continual ground of watchfulness and apprehension. And among the Puritans in New England, where the Mosaic or Theocratic idea prevailed, the strong propensity was to give the civil rulers power over the ecclesiastical in ecclesiastical matters; or, rather, it led to an arbitrary government by the same men in matters both spiritual and temporal.

All arguments drawn from the precedent furnished by the Jewish Dispensation are controlled by the fact that Christ established the Church in the Christian Dispensation as His Kingdom in, and not of, the world, altogether free from the domination of the State in regard to matters within its own sphere, and entirely relieved from the care of such matters as exclusively belonged to the State.

The typical nature of the Jewish institutions is, in this particular, sometimes misunderstood. The Jewish Church was a type not of the Church of England, nor of the Church of any single nation, but of the Church Catholic. And so the Jewish State might be regarded as typical of the civil power under the Christian Dispensation, although not of the power of any single nation, but of the civil power throughout the world. As the civil laws of the Jews were subordinate and conformed to the will of God, so should civil laws in general be conformed to the Divine will. Now, if the type is to be applied to the Christian Dispensation, it must indicate the relation of mankind to the civil and ecclesiastical

powers. In the abstract, men are amenable to these two kinds of power as different departments of the common government of the universal Sovereign.

If Christ had reëstablished the civil power among men as He did the ecclesiastical power, and had settled the form of government in one as He did in the other, we may suppose that He would have settled it in such a way as to bring the earth under the control of one government combining the civil and ecclesiastical power. Then Church and State would have had a scarcely distinguishable joint existence and dominion.

This was the underlying idea in the process which produced the Papacy—a universal sovereign in the State, and another universal sovereign in the Church—the Emperor and the Pope together speaking and acting the will of God in the government of man: a grand conception, but baseless so far as the word of God is concerned, and therefore a failure.* The system was not in fact a Theocracy; for God does not govern mankind under the Christian as under the Jewish Dispensation. There was no common arbiter between the two universal sovereigns, except God in providence and God in eternal judgment. Hence the inevitable rivalry between the two: the triumph of the spiritual by the use of the power of the temporal; the ultimate resumption by the civil authority of powers which rightly belonged to it, and the natural usurpation of other powers which did not belong to it. And in England, although the Reformation left untouched the identity and historic continuity of the Church, yet the idea of the conjoint

* The student should read "The Holy Roman Empire," by James Bryce, D.C.L., Professor of Civil Law in the University of Oxford.

existence of Church and State as one community was not wholly outgrown. Hence, among some, the anxiety to find in the temporal sovereign the power which is to control the two departments; and hence, among others who maintain the independent power of the Church in respect to matters properly spiritual, the need of watchfulness of the tendency toward the subordination of the ecclesiastical to the civil authority.

Opposed to such a conception, and free from many difficulties which it engenders, is the theory that the State and the Church are distinct communities, possessing distinct governments, which administer distinct powers of government, each government having jurisdiction over the members of its own community in respect to such matters as pertain to it.

There must be difficulties in the practical application of any theory. It is impossible, for example, not to encounter difficulties in the determination between the two powers of the question as to what are the matters which do pertain to each. But, apart from what may be urged in support of this theory in point of principle, it seems obvious that the difficulties are fewer when it is recognized that Church and State are distinct communities, the authority of each having been sanctioned by Christ; that He has left the form of the State government open to human regulation; and, that, while He has substantially settled the form of Church government, He has so settled it by the endowment of the Episcopate with joint and several powers as to make it adaptable to the civil polity of any State in which it may reside, and to enable its rulers to govern His kingdom *officially*, while *personally* they are subject to the government of the State.

2. The jurisdictions of these two governments are *concurrent* in so far as they extend over the same territory and relate to the same persons.

The persons who occupy a certain territory owe allegiance to the State, *i. e.*, to the civil authority which governs in that territory. They also owe allegiance to the Church.

But they are necessarily and by force subject to the State: not necessarily, but only from choice, and by moral obligation, subject to the Church.

The same persons may be under these two kinds of government, and those who govern in one may be the governed in the other.

3. The jurisdictions are *complementary* in respect to their administration and imposition of law.

a. The State administers the Divine law of morals so far as it relates to the temporal well-being of man in society, republishing and declaring that law.

b. The State enacts additional laws which oblige by virtue of the authority of the lawgiver; so that the matter enjoined or forbidden, being in itself neither right nor wrong, becomes right or wrong as being commanded or forbidden.

Both these kinds of law are enforced by temporal penalties.

c. The Church also administers the Divine law of morals, republishing and declaring that law as occasion may require; but in so doing it has in view not only the temporal well-being of man in society, but also the spiritual well-being of the individual both here and hereafter. Accordingly the Church appeals to other motives than those appealed to by the State. The State appeals to the fear of temporal penalties; the Church appeals to

motives arising from the love of God and man, and the hope of eternal blessedness.

d. The Church also administers a positive law of God, distinct from the moral law, enjoining the use of the Sacraments of Baptism and the Eucharist, and the observance of other rites and ceremonies of Divine authority.

e. The Church also imposes its own positive laws in respect to temporal and spiritual matters, which, like the laws of the State additional to the moral law, are of obligation upon its members, not as enjoining or forbidding that which is in itself right or wrong, but because they are enacted by competent authority. These positive laws, being additional to the Divine law, either moral or positive, must not be contrary to that Divine law ; nor should they contravene such laws of the State as have been enacted in conformity therewith.

The relative obligation of one who lives under this twofold allegiance is, it is true, sometimes, and necessarily, difficult to determine. There are two very simple modes of settling the question. One is that the ultimate authority lies in the State, and therefore, in case of a conflict of laws, the obligation to the Church must give way to that due to the State. The other is that the ultimate authority rests in the Church, and therefore, in case of conflict, the obligation to the State must give way to that due to the Church. But simplicity is not always the measure of rectitude. On the contrary, it is one of the trials of faith, that the right road is beset with difficulties. The fact is, that obligation is determined by sanction ; and each allegiance must be discharged under the constraint of that sanction which it is competent to impose. The laws of the civil authority

must be obeyed, or the penalty of disobedience must be endured: and the same is true of the laws of the Church —only it is manifest that the sanctions of the latter depend for their force and effect upon the faith of the individual; whereas, in the former case, they operate altogether from without. Assuming, however, that the faith of the individual leads him to accept the authority of the Church, which in a given case is opposed to that of the State, it will be a matter of conscience for him not to obey the State law. It will not follow from this that the State law has no authority, and should not be enforced: it will follow merely that the conscientiously disobedient individual must take the consequences of his disobedience; and if his faith lead him to prefer the spiritual to the temporal, he must be content with spiritual consolation in the endurance of temporal tribulation. The old English divines have furnished some amusement to the ignorant by their maintenance of what is called the doctrine of Passive Obedience; yet the principle here stated is the substance of that doctrine; and, apart from the question of *Church*, which appears to be an irritating factor in the argument, there is probably no honest man who keeps a conscience at all, who will not accept the principle that while the civil authority has an entire right to enforce its laws by their proper penalties, the individual is bound to suffer those penalties rather than obey the laws which his conscience rejects.*

* The general principle of discrimination of obligation cannot be more happily stated than by Professor Chase in his note at page 6 of his valuable edition of Blackstone's Commentaries: "It is plainly apparent that a human law might be directly in conflict with a universally received principle of moral duty, and there could be no question in such a case that a man would be under a *moral* obli-

The laws of the Church are found in forms and ceremonies prescribed for use and occasion; in rubrics pointing out the manner of use and attendant actions; in creeds and articles determining faith and doctrine; and in canons, which have a wider application than to matters of faith or worship or the conduct of the Divine service. Yet canon, in its general sense of rule, may be said to include all the others. A form of worship, for example, is but the expression of the Church's rule for that service;* and the distinction between rubric and canon, though it has some special significance in the Church in this country, is rather technical than material. Canons in their earliest form, considered as expressions of the will of the Church, appear to have resulted from the action of Bishops in council, either among themselves or in their diocesan relations, determining as to cases brought before the council, and deducing from the determination in the particular case a general rule of future application. Thus they seem to have involved the exercise of both the judicial and legislative functions of the Episcopate; but in later form they are more properly legisla-

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gation to violate the law; but human tribunals, established to enforce the law, would still hold him under a *legal* obligation to observe the law, and would punish its infraction. In fact, such tribunals could not do otherwise if they fulfilled their purpose. And as positive laws seldom or never conflict with principles of morals which are of universal acceptance, it would lead to pernicious results if men were not held strictly bound to obey every established law, whether they deemed it right or wrong, just or unjust; for, otherwise, each man's conscience would be set above positive law; and men's consciences are very variable, when their interest or personal gratification is concerned."

* In this sense the word is used in the phrase, "Canon of the Mass." So also we speak of the "Canon of Scripture."

tive: so that a canon may be defined to be a rule of faith or action prescribed by competent ecclesiastical authority, imposing obligation upon such persons, and as to such matters, as are within the jurisdiction of that authority.

PROPOSITION VI.

The Church of God on earth is coexistent with the redemption of man.

"THE Church, in its most comprehensive sense, includes other worlds than the earth, and other intelligent creatures than man." * But "with the Church as it consists of men and angels (Heb. xii. 22, 23) we are not to meddle. . . . What manner of union is between holy men and angels, let it be defined by angels themselves, or at least by men that are their consorts in the blissful vision of God and of His Christ." †

The Church, in so far as it relates to man, dates from the promise of the Redeemer (Gen. iii. 15). As existing among a fallen race, it was made necessary by the fall, and consists of a selection of men brought out of their natural condition into covenant relation with God, based upon the redemption of Christ. As such, the Church of God is one from the beginning to the end of the world: identical, although existing under various forms or dispensations.

This proposition, therefore, includes two others:

1. The Church is coeval with fallen humanity.

2. The Church is indefectible.

1. That the Church is coeval with fallen humanity appears historically from the Scriptures, which show the establishment of the covenant of redemption directly

* Jarvis's "Church of the Redeemed," Introduction, i.

† Jackson's Works, Book XII. ch. iii. 2. *Cf.* also the first four chapters of Field's "Of the Church."

upon the fall (Gen. iii.), and the continuance of a chosen people within that covenant from that time.

The dispensations under which the Church has existed are the Patriarchal, the Mosaic, and the Christian.

A. The Patriarchal dispensation includes:

a. The period in which the family and the Church were coincident, as at first constituted in Adam. Cain was cast out of the Church, which was continued in the line of Seth. In the next generation began men to call themselves by the name of the Lord (Gen. iv. 26, *margin*), in contradistinction to descendants of Cain, and such as might apostatize to them. Afterward the "sons of God"—not angels, but the descendants of Seth through Enos—who called themselves by the name of the Lord, intermarried with the daughters of men, in consequence of which ensued wide-spread corruption. (Gen. vi. 1–7.) *

b. The period when, by a new selection in Noah, family and Church again became coincident. To save His Church, God chose Noah and his family, and destroyed the rest of men. (Gen. vi. 8; vii.; viii.)

c. The period when God again made choice of a particular family, new constituting the Church in Abraham. (Gen. xii. 1–3; xvii. 1–14.)

B. The Mosaic dispensation covers the period extending from Moses to Christ, when the family in which the Church was planted grew into a nation.

Under these two dispensations the Church existed in an imperfect and preparatory condition. The Church in the present, or Christian, dispensation, exists in its maturity; although, of course, its existence is still pre-

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* *Cf.* Jarvis, "Church of the Redeemed," pp. 14, 15.

paratory to that which it will possess in the world to come. Having reference to the economy of salvation by a Redeemer, we say that in previous dispensations the Church was incomplete, as possessing the promise, but not the fulfilment of the promise of redemption. The expectation of the redemption was the characteristic of the Church in previous dispensations ; the possession of that redemption is the characteristic of the Church in the present dispensation.

C. The present dispensation includes :

a. The period of transition from the Jewish period, extending from the baptism of Christ to the day of Pentecost.

b. The period of the settlement and organization of the Church by the Apostles, under the direction of the Holy Ghost.

c. The period beginning with Bishops succeeding into the office of Apostles, and continuing to the end.

2. The indefectibility of the Church under the present dispensation is to be inferred :

A. From the relation of the Church to the plan of redemption, which makes the imposition of another dispensation unnecessary, and therefore improbable.

Redemption is wrought *in time*, to procure salvation for *eternity*. Various dispensations might be requisite in preparation for redemption ; but, redemption being wrought, the Church is thereby placed under the dispensation which is immediately introductory to eternity.

B. From prophecy, which expressly declares the perpetuity of the kingdom of Christ, *e.g.* (Dan. ii. 44) : "A kingdom which shall never be destroyed." (St. Luke, i. 23) : "Of His kingdom there shall be no end."

C. From the promise of our Lord himself : "On this

rock I will build my Church, and the gates of hell shall not prevail against it" (St. Matt. xvi. 18).

D. From the perpetual commission to the ministry which He set over the Church: "Go ye . . . and, lo, I am with you alway, even unto the end of the world" (St. Matt. xxviii. 19, 20).

E. From expressions of His Apostles, *e.g.*: "We which are alive and remain unto the coming of the Lord" (1 Thess. iv. 15). "As often as ye eat this bread . . . ye do show the Lord's death till He come" (1 Cor. xi. 26).

F. From the reason of its institution. While the world lasts, there must be the same necessity for the application of God's mercy and grace which caused the existence of the Church; and while the reason for the existence of the Church continues, the Church continues.

On the subjects of this proposition the student should read Jarvis's "Church of the Redeemed," introduction and first period; Bilson's "Perpetual Government of the Church," ch. i., ii.; and Field's "Of the Church," Book I. ch. i.–vi.

PROPOSITION VII.

"The Church is the multitude and number of those whom Almighty God severeth from the rest of the world by the work of His grace, and calleth to the participation of eternal happiness by the knowledge of such supernatural verities as concerning their everlasting good He hath revealed in Christ His Son, and such other precious and happy means as He hath appointed to further and set forward the work of their salvation. So that it is the work of grace and the heavenly call that give being to the Church, and make it a different society from all other companies of men in the world that have no other light of knowledge nor motive of desire but that which is natural; whence, for distinction from them, it is named *Ecclesia*, a multitude called out." *

* Taken from Field, "Of the Church," Book I. ch. vi. For explanation see his ch. vii.

PROPOSITION VIII.

As there are marks and notes which distinguish Judaism from Paganism, and Christianity from Judaism, so there are marks and notes which distinguish the Catholic Church from all other societies of men and professions of religion in the world.

Dr. Field, in his treatise "Of the Church," Book II. ch. ii., treats of this subject to the following effect:

1. That which distinguishes the Church from the society of pagan infidels, is the profession of Divine, supernatural, and revealed verities; but this profession does not distinguish Christians from Jews.

2. The profession of Divine verities revealed in *Christ*, whom the Church acknowledges the Son of God and the Saviour of the world, distinguishes it from the society of Jews.

3. The profession of the faith of Christ, while it distinguishes the Church from pagans and Jews, does not distinguish the right believing or orthodox Church from heretics; but it is so distinguished by the *entire* profession of Divine verities according to the rule of faith left by Christ and the Apostles.

4. The entire profession of the faith, while it distinguishes from heretics, is not a complete and proper distinction of the Catholic Church, because schismatics may, and sometimes do, hold such entire profession.

5. The notes that are inseparable, and absolutely

proper, and which always sever the true Church from all conventicles,* are these:

First. The entire profession of those supernatural verities which God hath revealed in Christ His Son.

Secondly. The use of such holy ceremonies and sacraments as He hath instituted and appointed to serve as provocations to godliness, preservatives from sin, memorials of the benefits of Christ, warrants for the greater security of our belief, and marks of distinction to separate His own from strangers.

Thirdly. An union or connection of men in this profession and use of these sacraments under lawful pastors and guides appointed, authorized, and sanctified to direct and lead them in the happy ways of eternal salvation.

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* Dr. Field says: "All conventicles of *erring and seduced miscreants;*" but the principles are equally sound without the expletives.

PROPOSITION IX.

The faith, sacraments, and ministry of Christ are so absolutely proper to the Church that no society which lacks them can be, as such, part of the Church; and resulting from these properties of the Church are certain properly applicable terms of description, indicating qualities whereby it may be known—called, hence, notes of the Church—such as those named in the Creeds, wherein we profess our faith in One Holy Catholic and Apostolic Church.

1. The Church is One: the company of God's chosen people existing now as always, though in different form, in contradistinction to the rest of mankind.

The chosen people are one in respect of their common calling; their common Divine Head; their common adherence to the faith, sacraments, and ministry of Christ; one in respect of the Divine purpose: not perfectly one in fact, because human corruption in this, as in other matters, contravenes the will of God.

The Church, in principle, according to its Divine constitution, is capable of a certain lawful division consistent with unity. Constitutionally perpetuated and extended, its several parts are one Church, however they may be distinguished in respect of location, or by local and temporary usages which, although additional, are not contrary to the Divine constitution of the Church.

But every lawful or constitutional division is connected with every other such division by a common bond, and that common bond is its lawful and constitutional connection with that society which Christ founded. This

connection is made through the ministry upon which Christ devolved the duty of the extension of the Church. Those who are in communion with the Apostolic ministry are in communion with the Church which Christ committed to the government of the Apostolic ministry.

Hence the Episcopate, which is the continuation of the Apostolic ministry, appears as the Divinely appointed centre of the unity of the visible Church. In its normal condition the Church possesses *Bishops*, who demonstrate their communion with Christ by their communion with each other in the faith and sacraments of His appointment ; and *members*, who demonstrate their communion with Christ by their communion with their respective Bishops.

Thus the Church is seen to be capable of a division into parts which is not inconsistent with unity. Every such part is in communion with every other through that communion which each has with its Bishop, the Bishops being in communion with each other, on the basis and through the instrumentality of the original faith and sacraments of Christ. But no one part is the whole Church ; and in so far as any one portion departs from the rule of faith, or the order prescribed in the Divine constitution, it departs from the unity of the Church.

The present condition of the Church is abnormal in respect of the absence of a visible unity. The restoration of visible unity by the reëstablishment of intercommunion between coördinate branches of the Church can only be by a recurrence on all sides to that original constitution which has the warrant of Divine authority, and is evidenced by the structure of the primitive Church ; by the removal, where they exist, of such things as are contrary to that constitution ; and the restoration, where

they are wanting, of such things as are essential to it, and by the mutual toleration of such things as, although additional, are not contrary to it.*

It is important, in considering the doctrine of the unity of the Church, to distinguish between schismatical societies and their individual members.

Such societies as have been organized under the name of Churches, but in an unauthorized and unconstitutional way, are separate from the unity of the Church. These societies possess no authority, having never derived authority through a lawful connection with the Church founded by Christ. Their position is schismatical, but how far their individual members may be guilty of schism can be known only to God. In general, probably their intent is to be members of the Church. And it may be assumed that such evidences as they give of the possession of the grace of God are due to the mercy of God, Who does not hold them responsible for a position which is attributable to the fault of others rather than of themselves.

But this in no way alters our responsibility for the trust of a lawful connection with the Church founded by Christ, and should in no degree lessen our faith in the Divine institution of the Church as a visible society.

The historic continuity of that society which Christ founded, and the necessity of a lawful connection with it through that ministry which He appointed to perpetuate it, are principles which it is the duty of Christians to hold as essential to the unity of Christ's Church.

2. The Church is HOLY on account of its separation

* As to the possibility of the division of the Catholic Church in respect of external communion, see Palmer, "Church of Christ," Pt. I. ch. iv. § III.

from the world, and on account of the holiness required of its members, and conferred by the Holy Ghost on such as are faithful.

3. It is CATHOLIC as being no longer confined to one nation as formerly, but open to all men ; as the recipient of all truth necessary to salvation; and as continuing through all ages.

4. It is APOSTOLIC as having received its ministry and its faith and sacraments from Christ, through the Apostles.

PROPOSITION X.

The claim of any particular body to be a Church is to be brought to the test of its possession of these notes.

If these notes are necessarily characteristic of the Church as a whole, it is obvious that no society which does not partake of them can properly be called a Church. Indeed, no society can be called a Church in the proper sense of the term, except it be the whole Church, or that portion of the whole which lawfully exists in some particular place. There being but one Christ, and the Church being the body of Christ, there is but one Church, though the name Church may be properly enough applied to each portion, which is the Church to those whom it includes in any particular place. A house may have several entrances or openings, and each of these is to him who enters by it as much the house as the others are to other comers. Strictly speaking, of course, the entrance is not the house; but that is because the part is not the whole. Yet each entrance is the house to him who goes in by it, in a sense in which another building in the neighborhood is not the house. And so it is quite proper to call a part of the Church, a Church, or the Church, provided it be really a part of this house of God's building, and not a house which men have built in the neighborhood. Hence in the Apostles' time, and throughout the age of unity, that portion of the Church which existed in any particular place was naturally known as the Church of that place; as we read

in the New Testament of the Church at Antioch, the Church of Ephesus, the Church in Smyrna, etc.

But in modern times we have a great number of religious societies of more or less importance, which are called Churches. Some of these in their origin did not assume this title ; but as their members by degrees looked more and more exclusively to those societies for the privileges which are only in the gift of the Church to bestow, so by degrees the title was in common parlance assured to them. And at present there is no more hesitation, on the part of a society organized for religious purposes, in appropriating the title of Church, than there is on the part of an association incorporated under the banking laws in assuming the name of bank. So deeply rooted is the feeling out of which this assumption grows, that it is apt to be regarded as a breach of courtesy to fail in the designation, for instance, of a Congregational Society as a Congregational Church, or of the Methodist Society as the Methodist Church. And among those who are fond of discussing the question of the union of Protestant societies, it is the common phrase of the day to speak of them as "the Churches."

The use of this language proceeds from the conviction that each of these societies is an independent and autonomous body, and that its members, as free agents, have the right to associate themselves in such a body. It must be obvious, however, that this conviction results from the assumption that men are without any obligation in this matter, except such as they may impose upon themselves. If it were true that no provision of the Divine will imposed upon men the obligation of membership in a Church constituted by Divine authority, it would, of course, follow that men would have the right to

constitute for themselves such societies as might in their judgment be useful in the attainment of the same ends for which the Church claims to have been constituted, or for such of them as they might consider particularly desirable. But the truth of this supposed want of provision is the point in question. It is, indeed, in evidence that God left not Himself without witness in this matter, either in the Patriarchal, the Mosaic, or the Christian Dispensation; and that the Holy Scriptures, which are accepted by those to whom this evidence is presented as the sufficient history of the development of these successive dispensations, throughout plainly show the existence, by Divine authority and institution, of an organized and visible society, distinguished from all other societies or companies of men, and based upon the calling and covenant of its Divine Head. But this evidence, although it has been presented and re-presented in innumerable forms, with the widest scope and the most exact precision, is waved aside as impertinent and inconclusive; and, ignoring all preëxisting obligation, men continue to act upon their supposed right to associate themselves according to no principle but that of their own individual sense of what is desirable, that is, according to their own will.

Nothing, probably, has contributed more to this prevailing persuasion than the idea that, according to the Divine will and purpose, the Church is not a visible and organized society, but consists of the whole number of those who by their true faith and sincere purpose are acceptable to God; and who, therefore, since God only can discern the thoughts and intents of the heart, are known to God alone. If the Church consists only of those who possess qualities which are to human percep-

tions invisible, the Church itself is invisible ; and if the Church be, according to the Divine will, invisible, the gathering of men into one or more visible societies is a matter of pure conventionality, the rules and conditions of each association being entirely subject to the agreement of those who are concerned in it. So that in proportion to the prevalence of the idea that the Church of God, the only Church which He has called into being, and recognizes as His own, is an invisible, unorganized multitude, consisting solely of individuals who are directly and immediately united to Christ by the several faith of each person, will be the prevalence of the persuasion that the visible Church consists only of such of these persons as may of their own will and choice, and by reason of similarity of tastes and circumstances, associate themselves for the purpose of mutual relations of a religious character. And where this persuasion prevails, it is natural that men should be indifferent or hostile to the claim of any society or body of men to represent in any particular place that Society which Christ originally founded, to be extended and perpetuated to every place, and throughout all time, as the custodian of His faith and the dispenser of His grace, for the eternal benefit of those whom He has, by admission to membership in it, called to become parties to His covenant. Nor can one be surprised that such a claim, with whatever modesty of humility presented, should be perfectly hateful to those imbued with such persuasion ; and that until such persuasion can be removed, those who are actuated by it should continue their adherence to existing societies, and proceed to the formation of new ones as occasion may seem to them to require.

This persuasion is the more difficult to remove because,

like most heretical notions, it aptly connects with the profession of a higher degree of sanctity. To be united with Christ directly, and without any human mediation, seems to some to involve a more vital religion and a truer spirituality than to be connected with Christ outwardly by the medium of a visible ministry and sacraments. And so, indeed, it does, if the connection be merely outward. But, on the other hand, to be united with Christ by the grace communicated by means of a visible ministry and sacraments of His institution involves certainly a truer spirituality than is involved in the rejection and disregard of means of His appointment, and the substitution of some other means, or of a bare personal volition. The most effectual antidote to the poison of this persuasion is to be found in the right understanding of the position of the Church, as being a means to an end and not the end itself. Outward ministries are instituted for inward benefits, and (if there is sufficient evidence of the *Divine* institution) presumably because no other way for the communication of such benefits seemed equally effectual to the Divine wisdom. To throw these outward means aside, therefore, and make pretension to the appropriation of the inward benefits without them, is properly evidence not of spiritual mindedness, but of impiety.

That which misleads men in the study of the Church as presented in the Gospel, is the comparison of the real relation to Christ and the spiritual unity with Him there attributed to His true followers, with the apparent absence of such relation and unity in many who are partakers of the ministrations of the Church; from which it is inferred that the words of Christ with reference to the Church are to be understood only as pointing to those who possess

such relation and unity, and not to those who have been equally with them called to the privilege and benefit thereof. It is to be remembered, however, first, that the language used in the Gospel assumes that to be accomplished which the Divine Founder intended to be accomplished; so that the means instituted are throughout treated as effectual means, and the Church is treated of as the company of those who are illuminated, regenerated, sanctified, and saved; and, second, that it is distinctly allowed that they are not all Israel that are of Israel, and that this company includes, and will always continue to include, many who have received the grace of God in vain. That those who have not received this grace in vain, and who are truly united to Christ, should be known clearly to Him and not to the world, is only what might be presumed and expected; and that these may be properly enough spoken of as the Church Invisible is not to be denied—not only the fact, but this description of the fact has been always recognized in the teaching of the Church. But the idea that the Church Visible and its means of grace have either not been instituted at all, or have been instituted for nothing, and that the true Church of God consists of those who are superior to and free from all such mediation, and who think themselves so mentally and spiritually united to Christ as individuals that all such proffered mediation is to be regarded as an impertinence engendered of craft or superstition, is one that finds no countenance either in Holy Scripture or in the teaching of the Church itself, and one, indeed, which may be justly regarded as a mere modern invention.

The claim, then, of any society of men to be a Church, if it be based upon the persuasion of an inherent and natural right of association, cannot stand if it appear that

the natural right asserted has been superseded by the imposition of a moral obligation to be associated in that manner, as well as for those ends, which have been declared by the Divine will. Nor can it be allowed that the Scriptures of the New Testament, any more than of the Old, give evidence of the right of men individually to claim a membership in a Church Invisible which shall relieve them from the obligation of membership in the Church Visible which Christ instituted, and entitle them to institute visible societies at their own pleasure and called after their own names, or names of their own devising. It is not a question of names or of courtesy, but a question of fact, whether such societies, by whatever name known, are or are not Churches. Names, indeed, are in themselves no notes of the Church, but only in so far as they may truly indicate in any way the possessing of the essential qualities of the Church. A true branch of the Church, such a division or distinct portion of the Church as in any place may have been lawfully established in accordance with the Divine constitution of the whole body, may have a name in addition to that of its place of residence, without derogating from its right to represent the whole body as that part of it which belongs to that place. And a mere sect originating in modern times, may have a name descriptive of Apostolic origin and Catholic character without being either Catholic or Apostolic. The question in every case is whether the society which is called a Church has the faith, the sacraments, and the ministry of Christ; whether it has the mark of unity as being one with that Church which Christ founded, and as having derived from that source, by uninterrupted succession, the faith, sacraments, and ministry with which He endowed His Church; or

whether the time can be pointed out when that society organized itself and adopted a faith and sacraments which it assumed to be those of Christ, and gave authority to a ministry which the Episcopal successors into the Apostolic office did not communicate.*

* The student should read in connection with this proposition the Rev. Dr. Wilson's "Church Identified."

PROPOSITION XI.

As the Church is by Divine appointment a visible society, so it is by the appointment of its Divine Founder continually supplied with a visible Ministry intrusted with powers correspondent to those exercised by Him during His earthly ministry.

This Ministry represents the authority of Christ. It has no authority of itself, but it has such authority as it derives from Christ. The powers which Christ as the Head of the mediatorial kingdom possesses in all fulness, He imparts to His Ministry in measure and degree for the benefit of His people.

We infer the powers of Christ to be of three kinds, from the three functions which the Word of God attributes to Him. He is Prophet, Priest, and King ; and the powers which under these names He possesses in their fulness, He imparts to His Ministry in measure and degree.

These powers may be generally described as the power of speaking and acting from God to the people, as preaching, baptizing, teaching, warning, censuring, absolving, communicating, blessing, ruling, and perpetuating rule (overseeing, ordaining, etc.), and the power of speaking and acting from the people to God, as mediating and interceding by prayer and sacrifice.

These powers were characteristic of the ministry of Christ, and have, since His departure from the earth, been characteristic of the Ministry which He established in His Church. The parallel between Christ and the Ministry which He appointed to succeed Him in respect of the powers to be exercised for the benefit of the

Church is plainly discernible, and throws much light upon the nature and design of the Ministry, as well as upon the order and distribution of its functions.

It is to be noted, in the first place, that, in the relation of our Lord to the Church, He is to be regarded as being Himself the incumbent of an office comprising certain functions. We are not, then, in this connection, to consider Him only in His Divine capacity as the Eternal Word or Son of God, but as the Son of God incarnate, and, as such, in His capacity of God made man, receiving and executing a commission conferred upon Him by the Father, and enabled and qualified for the discharge of that commission by the grace imparted by the Holy Spirit. He is the Head of the mediatorial kingdom; the Beginning of that new creation of the human race which results from His redemption, and which, in the counsels of Divine Wisdom, was conceived to replace the ruins of the old Adam; and the Chief of that organization which, in the same wisdom, was designed as the means of communicating to men the benefit of participation in this new creation, the knowledge of the truth Divinely revealed, and the grace whereby the natural man is transformed into the spiritual. That our Lord is the author of that redemption upon which is based the covenant of Divine grace for man, and that He was in His human life the perfect model and example of all whose faith leads them to be His followers, is commonly recognized by all Christian people. But it is not so commonly understood that His human life was not merely individual, but also official, and that what He did was not of His own mere motion, but that He was thereunto commissioned by the Father and enabled by the Holy Ghost. And the consequence of such want of apprehension is,

among other things, the failure to realize the organic character of the work of Christ, and the postponement of the origin of the Church of Christ to the later period of Apostolic or, perhaps, sub-Apostolic times. Even among those who have come under the influence of the Church idea, and who earnestly believe in and maintain the order as well as the faith of the Church, it is not unusual to find the Church derived from Apostolic organization, and the day of Pentecost assigned as the birthday of the Church. That the Church then received an addition of spiritual power of which it had before only enjoyed the promise is true enough, but to affirm that the Church came then first into being, and that the Holy Spirit was then first instrumental in the work of its ministry, is to build without the foundation. In fact, both the origin of the Church and the operation of the Holy Spirit upon it must be referred back to the life and ministry of Christ Himself. And not only was Christ the founder and, in such degree as was suited to the time, the organizer of the order of His Church, but what He did in that work is specifically attributed in Holy Scripture to the Holy Spirit, by whose power He was actuated ; and the Apostles, continuing His work by His direction, continue to work by the same power of His Holy Spirit.

The angel which appeared to Joseph assured him that that which was conceived in the Blessed Virgin was of the Holy Ghost ;* and the angel which appeared to her as the herald of the birth of Jesus, foretold that the Holy Ghost should come upon her, and the power of the Highest should overshadow her, therefore that Holy Thing which should be born of her should be called the

* St. Matt. i. 20.

Son of God.* Whence it appears, as expressed in the Apostles' Creed, that Jesus was conceived by the Holy Ghost; or, as expressed in the Nicene Creed, that he was incarnate by the Holy Ghost of the Virgin Mary; and from the influence and operation of the Holy Ghost, both here and throughout His earthly life, the God-man Jesus receives His official title of the Christ, or the Messiah—the Anointed One. In the Old Testament period we find the use of unction, or anointing, in the admission to the offices of prophet, priest, and king, the functions pertaining to which offices pertain also to the office of the Anointed One, of whom those formerly anointed had been but the types and foreshadowers. And as this unction was the outward and visible sign or sacrament of which the Holy Spirit was the invisible reality, so the Christ, Whose office was the reality pre-signified by those who were anointed with the material unction, receives the reality of this sign in the actual gift of the Holy Spirit for the work of His office.†

By the power of the Spirit our Lord is said to have been led into the wilderness to endure temptation;‡ to have taught, and preached the Gospel;§ to have offered himself unto God;‖ to have risen from the dead;¶ and to the same Spirit must be attributed that grace which He, receiving it upon His Ascension, gave measurably to His Church, both for the work of the ministry and for the perfecting of the saints.**

In like manner Apostles are said, for example, to preach, being filled with the Holy Ghost;†† to be witnesses with the Holy Ghost;‡‡ to determine rules of

* St. Luke i. 35. † St. Matt. iii. 16, 17. ‡ St. Matt. iv. 1.
§ St. Luke iv. 14, 15, 17, 18. ‖ Heb. ix. 14. ¶ Rom. viii. 11.
** Eph. iv. 4–13. †† Acts iv. 8. ‡‡ Acts v. 32.

conduct in accord with Him; * to be instrumental in the communication of the Holy Ghost; † and to separate the unworthy from the communion of the Church by the power of their possession of Him: ‡ all of which instances imply what no one, in view of the promise of Christ, will doubt, that what the Apostles did in their ministry was done by the power of the Holy Spirit.§

In extension of this parallel it is further to be noted that neither our Lord nor His Apostles were at once instated in the full power of their respective offices, but were thereto advanced by several and correspondent degrees.

Our Lord, in the first period of His official life, appears to have been limited in the exercise of His power, both in respect to His acts and to the sphere of His action. He preached, and gathered disciples whom He admitted to membership in His Church; and He appointed ministers to fulfil His will in the discharge of His mission, although these, of course, were restrained within limitations corresponding to His own. He confined His ministrations entirely to the Jews, declaring that he was not sent but unto the lost sheep of the house of Israel.‖ In like manner the Apostles whom He appointed in this stage of His ministry performed similar functions within the same range. They carried the Gospel of the Kingdom to those to whom they were sent, being expressly restrained from ministering to Gentiles, or even in any city of the Samaritans; ¶ and they performed the func-

* Acts xv. 28.

† Acts viii. 14–17; xix. 1–6.

‡ 1 Cor. v. 4 (where "*My* Spirit" seems to be equivalent to "the Spirit which I have received from Christ." *Cf.* St. John xx. 22, 23).

§ St. John xiv. 16, 17, 26.

‖ St. Matt. xv. 24.

¶ St. Matt. x. 5–7.

tion of baptism, acting for their Master. That baptism was used at this early period of the Christian organization, and, presumably, with the same general purpose, if not in the same form, as provided in the parting commission of our Lord (St. Matt. xxviii. 19, 20), appears from the distinct statement of St. John, that Jesus and His Disciples coming into the land of Judæa tarried there and baptized,* John also at the same time baptizing in Ænon ; and that this function of the ministry was at this period exercised by the Apostles, as well as by our Lord Himself, appears from the further statement that Jesus continued to baptize : "Though Jesus Himself baptized not, but His Disciples." † Whether the Apostles themselves were baptized by our Lord, or, like our Lord Himself, by the Baptist, are questions which it is easier to ask than to answer from the Scriptures. So far as the record is concerned, there appears to be no evidence by which they may be settled. The continuance of John's baptism after the beginning of that of our Lord, and the fact that certain of the Apostles had been among the disciples of John, make it possible that they were by him baptized. On the other hand, the preparatory nature of John's work, and the fact that at a later period some who had already received John's baptism were required to receive the Christian baptism,‡ certainly strengthen the precedent probability that Jesus, as the Founder of the Christian kingdom, instituting a baptism of His own, would subject to it all who desired to become His followers, and especially those whom He appointed as

* St. John iii. 22.

† St. John iv. 1–4. *Cf.* St. Paul's statement that Christ sent him not to baptize ; *i.e.*, not generally, as he was chiefly engrossed in higher functions. (1 Cor. i. 12–17.)

‡ Acts xix. 1–6.

His subordinate officers in that kingdom. However this point may be determined—which is perhaps of greater interest than importance, in view of the constraining probability—it is evident that at this stage of their progress the Apostles had been admitted by our Lord to such a share of the power exercised by Himself, within the circuit of a limited jurisdiction, as authorized them to preach and baptize.

At a later period, toward the close of our Lord's earthly ministry, we find a change of very great importance, affecting His own power and mission, and, proportionably, the power and mission of the Apostles. Jesus, returning in triumph from the grave, declares Himself, in contrast with His former position, endued with all power in heaven and in earth, and accordingly extends the mission of His Apostles throughout the world, and even unto the end of the world.* Thus we find the Apostles admitted to such a share of the power of our Lord as authorized them to preach and baptize within the circuit of His now unlimited jurisdiction. And further extension of their authority we find at this stage, correspondent with the enlargement of the authority of their Master, and such as reaches beyond the range of a functional duty, out into the higher and larger scope of rule and government involving oversight and direction. This authority may be inferred partly from the language of the commission contained in the text referred to, to teach all things whatsoever had been commanded them; † partly from the bestowal upon them within this period of the power of binding and loosing, a distinct power of government; ‡

* St. Matt. xxviii. 19, 20. † Acts, i. 1. ‡ St. John, xx. 21–23.

and partly from the relation in which they had all along stood to our Lord, as those who were appointed to succeed Him in the outward ministrations which pertained to His kingly office. In one sense, indeed, our Lord has no successor, in that, being not like earthly kings subject to mortality, He abideth ever in the Headship of His Divine kingdom; and, in another sense, our Lord's proper successor in the ministration of this kingdom is the Holy Spirit, the true Vicar of Christ on earth; but, yet, in still another sense, the succession to Christ of an outward and visible Ministry is manifest in the Apostles, whose authority in regard to the order and conduct of His Church, and the extension and perpetuation of the faith of His Gospel, was such as to put them, in all outward relations with His people, in the same place which He had held while on earth, and must have continued to hold had He remained on earth: which appears to have been what was meant by His appointing unto them a kingdom, as His Father had appointed unto Him.*

In these two periods of the official life of the Apostles there seems to be no difficulty in tracing not only a parallel with similar periods in the life of our Lord, but also a parallel with those two orders of the Christian Ministry which the Church afterward designated as the Diaconate and the Episcopate: the one a degree of preparation and training, at the same time involving ordinarily the functions of preaching and baptizing, as well as others; the other involving the full possession of the ordinary official authority of the Apostles for the exercise of all the power conferred upon the Ministry in

* St. Luke, xxii. 29, 30.

its relation to the people, and the additional power of perpetuating that Ministry.

But the parallel would lack a most important significance if it furnished no counterpart to the order of Priesthood, which, in the history of the Church, has been always intermediate between the Diaconate and the Episcopate; and if the Church has been right in assuming that the work of the Apostolic ministry of Christ's institution necessarily involved the provision of a priestly order for the full accomplishment of the object of that ministry, it would seem to be at least probable that we should find something correspondent to this function in the provision of Christ Himself. And the expectation is fully realized in the commission given by our Lord to His Apostles, on the night in which He was betrayed, to commemorate and represent the sacrifice which, in the use of bread and wine at the Paschal Supper, He then made of Himself. That this action of our Lord was properly sacrificial, is indicated (1) by the conformity of it to the precedent type of the Passover which He was then fulfilling, as "the Lamb slain from the foundation of the world," and prefigured by the Mosaic sacrifice; (2) by the terms of the time present which He uses in the performance of the action, saying: "My body which is given for you; My blood which is shed for you;" * and (3) by the voluntary character which He Himself attributed to the devotion of His life to that end for which He had assumed it, saying: "I lay down my life, that I might take it again. No man taketh it from me, but I lay it down of myself. I have power to lay it down, and I have power to take it again" †—all the

* St. Luke, xxii. 19, 20. † St. John, x. 17, 18.

subsequent proceedings resulting in His death upon the Cross having been involuntary, and by the violence of others, which He passively endured.* And since the Apostles in that action received His commission to do in commemoration of Him those acts which He then did, if His action was sacrificial, that function which He then committed to them was also sacrificial, and by the like necessity implies the reception by them of the power to execute the priestly office.

It is true, indeed, that in regard to the evidence of our Lord's advancement to the priestly office, there appears something wanting in order to the perfection of this parallel, forasmuch as there can be no passage adduced which expressly points out the time of any such advancement prior to this apparent exercise of the priestly function, whereas the study of the passages relating to our Lord's consecration as a priest seems to make evident the conclusion that this was not accomplished until a later day. So that unless we will grant what, as Dean Jackson remarks, "many modern divines out of incogitancy have taught, or taken upon trust without further examination, to wit, that the eternal Son of God, our Lord and Saviour, was a high priest from eternity, or a high priest from His birth as man, or from His baptism, when He was anointed by the Holy Ghost unto His prophetical function," † we appear to be inconsistent in claiming for our Lord the priestly character at the time of the oblation at the Paschal Supper; and the inconsistency would be equally apparent if we referred the sacrifice of

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* Bishop Seabury's sermon on the Eucharist should be read in this connection: "Discourses," vol. i.

† Jackson's Works, vol. xii. p. 214.

Christ not to this oblation, but to His actual crucifixion, as probably Jackson would do.

"The sacrifice of the Son of God upon the Cross," he observes, . . . "was the absolute accomplishment of all legal sacrifices or services Aaronical. And yet but an intermediate (though an especial) part of His consecration to the priesthood after the order of Melchisedec, not the *ultimum esse*, or accomplishment of it: it was not terminated till the day of His resurrection from the dead; . . . and from this day, and not before, doth His endless, everlasting priesthood commence. And being thus actually consecrated * by His resurrection from the dead—that is, made both Lord and Christ—He is become the author of everlasting salvation." †

In like manner the learned Outram, maintaining that there are three things required to constitute a priest absolutely perfect: (1) sufficient authority and favor with God to render Him propitious; (2) sufficient kindness and mercy toward men; (3) an immortal life to be capable of the perpetual performance of his function; and applying these requirements to our Lord (Heb. v. 1, 2; ii. 17; vii. 24-28), attributes His consecration, or being made perfect (τελειωθείς), to His resurrection: "Whence we conclude that it was on his resurrection from the dead to an immortal life that the Son of God was fully consecrated to the perpetual priesthood." ‡

Yet, although this be true, it by no means excludes the exercise of any priestly power by our Lord before the completion or accomplishment of His consecration by His resurrection, which to hold would be to exclude His own sacrifice of Himself whensoever actually made. We

* τελειωθείς, Heb. v. 9. † Jackson, *ut sup.*, p. 215.

‡ Outram: "On Sacrifices," Diss. II. C. I. iv.

are, therefore, obliged to conclude that our Lord did, by an anticipation of the fulness of His power, perform that which belonged to it at the time when that performance was essentially necessary, *i.e.*, before His death. And the apparent difficulty is removed by the reflection that His consecration was a process rather than a single act, so that what was completed or accomplished in His resurrection was in fact in the course of accomplishment before—certainly as long before as when in the discourse at the Last Supper He said: "ἐγὼ ἁγιάζω ἐμαυτὸν" ("I *sanctify* myself"); and prayed for His Apostles: "ἁγίασον αὐτοὺς" ("*sanctify* them"). For, as Jackson well puts it in answer to a proposed dilemma in a Jewish argument: "Betwixt a priest complete, or actually consecrated, and no priest at all (*datur medium participationis*), there is a mean or third estate or condition; to wit, a priest *in fieri*, though not *in facto*, or a priest *inter consecrandum*, that is, in the interims of his consecration, before he be actually and completely consecrated. Such a man, or, rather, such a priest, was Aaron during the first six or seven days of his consecration, yet dare no Jew avouch that after the first or second day of his separation from common men he was no more than an ordinary man, no priest at all, nor that on the seventh day he was a priest actually consecrated, but as yet in his consecration. He was not till the eighth day qualified to offer up sacrifices unto God, but had peculiar sacrifices offered for his consecration by Moses:" * which sacrifices attendant upon consecration, as they could not in the consecration of Christ be offered by any man (no man being thereunto empowered), must needs be offered by the Christ as a

* Jackson *ut supr.*, xii. p. 214.

part of the Divinely appointed process whereby He sanctified Himself.

And the same conclusion is applicable to the acts of our Lord in exercising and collating (in any respect) upon His Apostles an authority which belonged to Him in perfection upon His Ascension. At this time He attains the fulness of His royal power, and receives "gifts for men." Yet He declares of Himself upon His resurrection, that "all power is given unto Him in heaven and in earth," and before His Ascension He confers the fullest authority upon His Apostles, manifestly by way of anticipation, and because then, during the time of His earthly intercourse with them, was the proper time to confer such authority, making the commission dependent for its fulfilment upon the power with which, after His Ascension, they should be endued from on high.

The institution then, by Divine appointment, of a visible Ministry to continue in the Church of Christ's foundation the exercise of those functions which were included in His office, and which were needful for the Church as well after as before the departure of Christ; and the general conformity of the functions of this Apostolic Ministry both to those of the ministry of Christ out of which it grew, and to those which, in accordance with Apostolic arrangement, the Ministry of the Church subsequently exercised, appear to be sufficiently plain.* That the powers exercised personally by Christ, and by the Apostles acquired from His personal commission, should have been fully attained by several degrees, and that the Apostles in their arrangement of a permanent

* *Cf.* Arch Bishop Potter's "Discourse of Church Government," ch. ii., iii.

order for the Church should have made provision for the distribution of the powers attendant upon these several degrees into several grades or departments of ministerial duty, attaining the same end in a different way, is only what one might expect to observe in comparing a formative period like that of our Lord and His Apostles with the settled order pertaining to the Church fully established. By degrees our Lord certainly attained to the fulness of His official power ; by like degrees He certainly advanced His Apostles to the fulness of Apostolic authority, and from them came that distribution which involved, ordinarily, the same process of preparation and advancement by degrees of each individual who should attain to the fulness of ministerial authority in the Church ; the powers lodged by Christ in the Apostolic or Episcopal office having been by the first holders of that office under the guidance of the Holy Spirit retained in fulness in their own order, and in measure and degree imparted to two orders of the Ministry inferior to their own.

The distribution of these powers, however, appears to be not a strict and exact division of the three kinds of power between the three offices of Bishop, Priest, and Deacon, so that to the first order should pertain the royal, to the second order the priestly, and to the third the prophetic, although in a general way it is to be said that there is a correspondence between the three orders and the three kinds of power. But it rather appears that the powers which Christ bestowed upon the Apostolic office correspondent to His own have been diffused amongst the three orders, each one having special functions, yet each in a manner sharing the powers of the others—even the Deacon not being wholly excluded.

from participation in the power of government, nor the Priest from the power of prophecy, but the entirety of the threefold power pertaining only to the Episcopate.

This distribution of powers of different kinds throughout the three orders makes it permissible, as indeed it is sometimes unavoidable, to speak of the ministry, the priesthood, the government, which Christ has established in His Church. But to say that there is one ministry, priesthood, and government, is not the same as to say that there is but one order; for the distribution of power into three distinct offices involves the distinction of order, so that these three distinct offices are three distinct orders.

To say that only one kind of power constitutes the power of order, is to attach to the word "order" a purely technical signification, and to impose upon it a limitation contrary to the fundamental principles of the Divine constitution of the ministry, and unknown in the language of the primitive Church.

The principle that the power of the priesthood, being that to which the second order is admitted, is the only power of order, involves the consequence that the Bishops possess no greater power, as power of order, than the Priests. And if this principle be taken in connection with the principle of the indelibility of order, it results that the Priests alone have by their ordination an indelible character, while the Bishops, in respect to the added powers of the Episcopate, have no such immunity. This is practically to make only one order essential and permanent (the Deacon being easily regarded as a mere aid to the Priest), and to leave other orders unessential and mutable; and it is not difficult to observe the process by which this error, the fruit of a scholastic fancy, has helped to build

up the equally false, though antagonistic, systems of the Papacy* and Presbyterianism.

The added Episcopal power being called jurisdiction, and the Pope being regarded as the fountain of all jurisdiction, and the power of jurisdiction being not a part of the indelible power of order, the power of the Pope over the Bishops becomes despotic, they being merely his creatures and dependents. And the idea that there is no distinction of order between Priests and Bishops, being so embedded as it was in the minds of men at the time of the Reformation, made the Presbyterian scheme plausible after the supremacy of the Pope had been thrown off. There seemed, by and by, to some, to be no necessity for Bishops, supposing that all Priests had the whole power of order; and as to jurisdiction, since it was easy to disprove the claim of the Pope to universal jurisdiction *jure Divino*, they were content that the Priests should supply it for themselves, or that they should take it from the civil power.

Great confusion has grown out of this misapprehension. The difficulties are only cleared away, and the

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* Orders in the Church, according to the Roman teaching, are those of Porters, Readers, Exorcists, Acolytes, sub-Deacons, Deacons, and Priests.—"Catechism, Council of Trent," p. 216.

The Order of Priesthood, they say, though essentially one, has different degrees of dignity and power, including, first, those who are simply Priests with the functions of consecration and absolution; second, Bishops, called also Pontiffs, who are placed over their respective Sees to govern not only other ministers, but the faithful; third, Archbishops; fourth, Patriarchs; fifth, the Sovereign Pontiff, the Pope, in whose person "the Catholic Church" recognizes the most exalted degree of dignity, and the full amplitude of jurisdiction, emanating from no human constitution, but from God Himself.—*Ib.*, 221, 222.

false principle held in common but variously perverted by Papists and Presbyterians is only corrected by the primitive idea of the supreme coördinate power of the Bishops as the only possessors of the full powers of ministry, priesthood, and government in the Church, Presbyters and Deacons being admitted to their several and limited shares thereof.

The scholastic distinction between order and jurisdiction is not the primitive distinction between the power of order and the lawful right to use that power, but a fanciful distinction between the power of making the *Corpus Christi verum* and the power of ruling the *Corpus Christi mysticum*, the former being accounted the proper power of order, the latter only an addition or appendage to it.

This distinction is well stated by the learned Dr. Nathaniel Marshall in his treatise on the ecclesiastical and civil powers, as will appear from the following condensation of the first few sections of his work :

The Bishops in the Council of Trent, of the Pope's then immediate creation, who had as his creatures their titles from his prerogative (many such titulars having been in that council), appeared very unwilling to declare in it for the Divine, immutable right of that order which they then laid claim to, sitting in the synod by virtue of it, because in so doing they would have given his universal monarchy and pastorship an irremediable disadvantage ; not only by setting up a monarch in each district independent on that one Pastor, but so far on a level with him also as to be equally immutable as to his own order and station in the Church.

The Romish doctors made it their business to bring down the Episcopal order and level it with the Presbyterial, subjecting the whole power of the priesthood

alike in each; and the same authority and office that they allow the Bishop to have and execute by his priestly order as a Sacrament, which is to make the *Corpus Christi verum*, or *transubstantiate*, is seated by them in the Presbyter as a Sacrament. And that power and office which the Bishop hath besides, and the Presbyter hath not, to wit, in the government of the Corpus Christi *mysticum*, *i.e.*, of Christ's mystical Body, the Church, is not from the Sacrament of Order, but subordinate to it. And as the order, so the power being common to each, what is that that is left which the Presbyter may not do also by virtue of his order of Priesthood? And having found out this device, the Schoolmen's novel doctrine, which equalizes the Presbyter with the Bishop, was then, and is at this day, received with greater plausibility among the Papal dependents; and it is generally disputed and maintained by them that the Bishop receives no power nor character of order as a Sacrament, by his consecration, which he did not receive when he was ordained a Presbyter.

The case being thus stated and received by the Schoolmen, the Bishop's power of order, as such, fixes in him no immutable station, whereas his power of order as a Presbyter does, and in this respect the Bishop and the Presbyter are by them reputed equal. It is on this bottom that Rome's universal Pastorship and supremacy treads on the necks of the Bishops of Christendom at its pleasure; constitutes, deprives, and suspends them at its discretion (whereas the Presbyter's power of orders cannot be taken away from him); vests with plenary delegations Archpresbyters in fixed dioceses, and makes his Presbyter Cardinals, nay, Deacon Cardinals, his legates *a latere*, and the Bishops stand by as ciphers there; nay,

more insignificant, and as such are qualified for no one clerical, hierarchical action which is not communicable to, and actually collated on, those two orders of Presbyters and Deacons by Papal delegations.*

But to take a further view of the Schoolmen's, and, it may be added, Canonist's, scheme. What though the Presbyter hath the same power to transubstantiate which the Bishop hath? Since the Roman advocates own that, besides that order in which the Presbyter is equal with him, the Diocesan Bishop has an order (as they sometimes speak) in respect of Christ's mystical Body, apart from the order which he receives by virtue of the priesthood, why may not the Bishop receive that qualifying power by an immutable, Divine, and indefeasible right? Surely he may do it on as good grounds as the Pope may receive his pretended universal Pastorship by Divine and immutable right, which is not alleged to be received by virtue of the power of the priesthood in the Sacrament of Order. Why may not the power over the mystical Body be the Bishop's peculium? Why may he not be superior herein, and execute it on the Presbyter, though the Presbyter can *transubstantiate?* How, otherwise, comes the Pope to be (we say not the Bishop's, but) the Presbyter's, superior, since the Pope has not more right than either of these over the *Corpus Christi verum?* His Holiness pleads a superior power to the *potestas ordinis*, as they speak, *i.e.*, to the power of transubstantiating, by which he was made supreme and universal Rector of the Christian world. And why may not the single Bishop plead his *potestatem jurisdictionis* as an indefeasible right,

* That these considerations are not wholly antiquated and obsolete, may perhaps be inferred from the recent experiences of certain Roman prelates in this country.

over and above the power which he, as well as the Pope, received with his Presbyter's ordination?

And there are some even among ourselves who do not assert the Pope's *supremacy* nor the Presbyter's *transubstantiating* power, but professedly oppose each of them; and yet they plough with the Pope's heifer, in making use of his parasites and sworn defenders, the Canonists and Schoolmen, thereby to recommend to mankind the parity of the Presbyters and Bishops. And as that power which the Bishop has undeniably been found to be vested with, beyond the Presbyter, is alienable by the Pope, as his adherents say, so is it alienable by the Presbytery and secular hand, as our now moderate Episcoparians teach. And is it not very odd, when we find Dr. Field, to name no more at present, in his third and fifth books Of The Church, to produce no less than seven of the Schoolmen in justification of the Bishops' and Presbyters' equality by their orders, and the mutability of Episcopacy, which these Romanists had started and carried on, by wire drawings and drilling arguments, therewith to support the Pope's supremacy? Surely Dr. Field and his company did not consider that whatever authority the Schoolmen have, their argument does alike conduce to the setting up of the Pope's, as to the pulling down of the Bishop's, superiority. And if Dr. Field's platform of hierarchy holds, and the secular magistrate's fixing one Presbyter over others in a diocese gives him a superiority of government over them, nothing needs be more plain than that the Bishop's continuance in his Prelated station is solely at the will of the Prince.

PROPOSITION XII.

As the Church, although one from the beginning, has existed under several dispensations, so the Ministry of Divine appointment has been of several forms.

In the history of the form of Church government, as shown by the Divine constitution of the Ministry, there are three divisions, corresponding with the Patriarchal, Mosaic, and Christian dispensations.

1. In the Patriarchal dispensation, men exercised the ministry as a function of the headship of the family: the succession being by inheritance, ordinarily in the line of the eldest son.

The evidence derived from comparative jurisprudence, says Professor Dwight in his introduction to Sir Henry Maine's treatise on "Ancient Law," "establishes that view of the race which is known as the PATRIARCHAL THEORY. This theory is based on the Scriptural history of the Hebrew Patriarchs. All known societies were originally organized on this model. The eldest male parent is absolutely supreme in his household. His dominion extends to life and death, and is as unqualified over his children as over his slaves. . . . When society came to be formed, it was not, as now, a collection of individuals, but an aggregation of families. The unit of an ancient society was the family."* And Sir Henry Maine observes that in early law, and amid the rudiments of political thought, symptoms of the belief of a Divine influence underlying and supporting every relation of

* p. xxxii.

life, and every social institution, meet us on all sides. "A supernatural presidency is supposed to consecrate and keep together all the cardinal institutions of those times, the State, the Race, and the Family. These grouped together in the different relations which those institutions imply, are bound to celebrate periodically common rites, and to offer common sacrifices. . . . Everybody acquainted with ordinary classical literature will remember the *sacra gentilicia*, which exercised so important an influence on the early Roman law of adoption and of wills. And to this hour the Hindoo Customary Law, in which some of the most curious features of primitive society are stereotyped, makes almost all the rights of persons, and all the rules of succession, hinge on the due solemnization of fixed ceremonies at the dead man's funeral; that is, at every point where a breach occurs in the continuity of the family." *

To the same effect Dean Jackson long ago remarked that "the regal power, which in process of time did spread itself over whole nations and countries, had its first root from that power which the fathers of families had over their children, their grandchildren, and their posterity; which power did extend itself much farther in ancient times than now it can, because the age of man was much longer, and mankind did multiply much faster than now it doth. As the subordination of divers persons to their father, or first progenitor (as to one head), did make one tribe or family, so the subordination or subjection of divers tribes or families to one chief did make a kingdom. . . . For this reason the government royal

* p. 6.

is, of all other kinds, the most agreeable to nature, as taking its original most immediately from the course of nature. Howbeit it cannot be denied but that in process of time, or continuation of descents from one prime or famous progenitor worthy to govern all his progeny whilst he lived, there usually arose more several collateral families, which did grow nearer to a parity between themselves than any of them had in comparison of their first founder, or progenitor, or than had been between such as first descended from him; so that no one of them was held fit to bear rule or sovereignty over the rest, but all were well fitted for a social league or confederacy. And from this root of nature did spring aristocracy, or the form of government by peers and nobles. And this kind of government, as also the popular government, may be continued either by inheritance or right of descent, or by annual magistrate or magistrates chosen for term of life." *

These citations are made not, of course, in proof of the proposition that the ministry in the Patriarchal dispensation was a function of the headship of the family, but because of the graphic and suggestive outline which they present of the development of the social order from the original institution of the government of the family, and because they naturally suggest the inference that in a government of this sort, not only involving all functions necessary for the benefit of those who were subject to it, but also resting upon the conviction of the Divine authority of its establishment, and presupposing the necessity of the conformity of its rule to the Divine will so far as it was known, and of so propitiating the Divine Being as to dispose Him to a favorable regard,

* Works of Thos. Jackson, Book XII. ch. vii. § 5.

there would, as a matter of course, be exercised by the head of the family a function of a priestly character in the way of mediation and intercession, as well as of benediction, instruction, and training in the fear of God and in the knowledge of His religion.

In other words, it is reasonable to suppose that the "Supernatural Presidency" to which Sir Henry Maine refers, would find its exponent, in these primitive times, in the head of the family, who, as he was the chief ruler in all matters of civil and temporal concern, would also be the chief priest in all matters of religious and spiritual concern.

Agreeable to this is the evidence furnished by the Scriptures, of early instances of Divine worship, by heads of families, in the priestly way, on behalf of themselves and others, and of benediction as well as of intercession.*

The priestly character of Melchizedek, King of Salem, whether we accept the view that bread and wine were brought forth by him for the purpose of a typical sacrifice, or the view that they were presented merely for refreshment, is evident from his benediction of Abram, and from the tithes which he received from him,† as well as from the fact that the Scriptures attribute to our Lord a priesthood after his order.‡ And if we understand

* The learned Dr. Outram, in his valuable treatise on "Sacrifices" (1677), though holding that it was the custom of the *remotest* antiquity for every individual to act as his own priest—instancing the sacrifices of Cain and Abel—yet adds: "In the sacrifices designed for every family, there can be no doubt that the father of the family was entitled to officiate as its priest; and in the exercise of this right, Noah and Job offered sacrifices for themselves and their respective families."—Diss. I. C. IV. iii.

† Gen. xiv. 18–21. ‡ Heb. vi. 20; vii.

Melchizedek to have been, as is most probable, no other than Shem, the eldest son of Noah, the association of the priestly character with this long-surviving chief of the Patriarchs, to whom even the Patriarch Abraham recognized his allegiance, is certainly the more significant.* The first action of Noah, the undoubted head of all the rescued remnant of the human race, after his release from the Ark, is to build an altar and offer burnt offerings thereon, accepted by God as an offering of a sweet savor, and of so propitiatory a character as to be followed by the Divine covenant of mercy and providential care for mankind while the earth should remain.† And of Noah before the flood, St. Peter speaks as "the eighth *person*, *a* preacher of righteousness;" ‡ or, omitting the words italicized, as inserted by the translator, "the eighth preacher of righteousness;" *i.e.*, not numerically the eighth person since the Creation, but the eighth in the direct line of primogeniture in the Patriarchal descent exercising the function which belonged to his office, of preaching righteousness, or proclaiming and making known the will of God, § the line being counted

* "The fitness (of the calling of Melchizedek to represent the everlasting Priesthood) will more easily be apprehended if we suppose what the ancient Jews (whose traditions, where they are no parties, are in no wise to be rejected) take as granted, viz., that he whom Moses (Gen. xiv.) calls Melchizedek, was Shem the Great, the son of Noah. . . . I dare not obtrude this tradition . . . as a point of our belief, yet the matter of it is as probable as any doctrine whatsoever, that is grounded only upon the analogy of the faith, not upon express testimonies of Scripture, or conclusions deduced from such testimonies by demonstrative consequence. The allegations for this opinion, were they exactly calculated or put together, amount so high, as no assertion contained within the sphere of probability can overtop them."—JACKSON, Works, vol. viii. pp. 233, 234. † Gen. viii. 20–23. ‡ 2 St. Pet. ii. 5. § Gen. v.

from Enos, the firstborn of Seth, presumably because in his time men began to be called by the name of the Lord;* that is to say, because in his time the Patriarchal Church began to be recognized as distinct from the apostate descendants of Cain, and its members to be called the sons of God as distinguished from the children of men.† The Patriarch Job, in the time of his prosperity, when his sons had their alternate feasts in their own houses, was wont to rise up early in the morning and offer burnt offerings according to the number of them all; for Job said, "It may be that my sons have sinned, and cursed God in their hearts. Thus did Job continually."‡ And after his day of affliction was passed, God sends the three friends, who had misrepresented Him, to Job, whose prayers of intercession in connection with their burnt offerings He affirms that He will accept.§ Similarly, Abimelech is directed to avail himself of the intercessions of the Patriarch Abraham,‖ who is here called a prophet. And Jethro, the father-in-law of Moses, "the priest of Midian," acknowledging the Lord to be greater than all gods, offers a burnt offering and sacrifices, in which act of religious worship Moses, Aaron, and the Elders of Israel participate, coming to eat bread with Moses' father-in-law before God.¶ The value of this privilege in the Patriarchal times, as connected with the right of primogeniture, may be estimated from the magnitude of the fault of Esau in despising his birthright, since it was not only an abdication of his right of rule, but also of his function of priesthood, and so directly disrespectful to God.**

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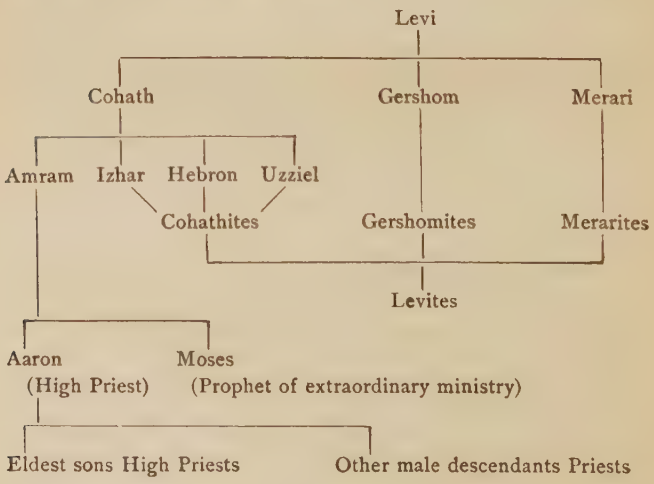
* Gen. iv. 26. Margin. † Gen. vi. 1, 2. ‡ Job i. 4, 5.
§ Job, xlii. 7–9. ‖ Gen. xx. 7. ¶ Ex. xviii. 1–12.
** Gen. xxv. 29–34; Heb. xii. 16, 17.

2. Under the Mosaic dispensation the succession to the Ministry was by inheritance limited to the family of Levi.

This Ministry was of divers orders, and exercised, with respect to a Church comprising numerous families, powers of the same general kind as essentially belong to Christ in His mediatorial kingdom; but these powers in this Ministry were, like other institutions in that dispensation, typical or representative of the powers which were to be manifested in Christ in the fulness of the time appointed.

The Priesthood was in the family of Levi. Aaron was the High Priest, and his descendants in the line of the firstborn were ordinarily his successors in that office. The other descendants of Aaron were priests. The other descendants of Levi were Levites; *i.e.*, the descendants of Levi through Cohath, Gershom, and Merari were Levites, excepting the line of Cohath through Amram, the father of Moses and Aaron.



This Priesthood came by descent and was indefeasible; but the persons inheriting it did not as a matter of course exercise its functions, but were admitted to that exercise at a certain age and in a formal manner: in the case of the High Priest and Levites, by sacrifices as well as other ceremonies; in the case of the priests, by prayer and benediction without sacrifice.*

Exceptional cases occur in this period not affecting the polity of the Church; *e.g.*, the Prophets, not necessarily of the tribe of Levi, and yet exercising some or all of the functions of the Ministry. Their undoubted authority is no precedent for irregular ministrations in the Church of Christ. They had an especial and extraordinary Divine commission, and gave supernatural evidence of it by miracles.

3. Under the Christian dispensation the succession to the Ministry is by selection and appointment of individuals without regard to inheritance: a succession communicated from Christ through the Apostles by the gift of the Holy Ghost, in connection with an external individual call given by those who have themselves received it.

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* *Cf.* Lewis's "Antiquities of the Hebrew Republic," Book II. chap. i. Andrewes's summary view of the government of the Old and New Testament, in his "Pattern of Catechistical Doctrine," Works, A. C. L.

PROPOSITION XIII.

In view of His departure from the earth, Christ established in the Church a chief office on terms of permanence, and promised and gave to those who first held the office the especial aid and guidance of the Holy Spirit in the discharge of its duties.

THIS proposition includes two others:

1. That Christ established a permanent chief office.

2. That the first holders of that office were empowered and directed by the Holy Spirit.

1. It results from different conceptions of the nature of the Church, that there should be varying views of the constitution of the Ministry. If it be understood that the Church consists only of an indistinguishable multitude, who by their personal faith have individually attached themselves with heart and mind to Christ, it will be natural to expect that the organization of the Church shall be regarded as a matter of conventional arrangement, and that every association of men conscious to themselves of an individual union with Christ, should arrange a ministry for such purposes as the association may require. If it be understood, on the other hand, that the Church is by Divine appointment, according to the will and disposition of its Founder, a compact and regular society, whose members are united with Him through their membership in His society, it will be natural to expect that the same design which constituted the society will have constituted an order of government for it. It is antecedently possible, of course, that Christ could have lived and taught among men as one who came merely to present and explain a new philosophy of

life, and that He might have left His followers to their own choice as to the manner in which they should individually or collectively apply His teaching. Christ might have been, like Socrates or Plato, the expounder of ideas, the founder of a school of thought; and mankind might, doubtless, have been much profited by the mental digestion of His profound wisdom, and by the endeavor to approximate their lives to the pattern of His pure morality. But it is also antecedently improbable that such a design on His part would have led Him to do what the evidence shows that He did do—that He should have made any provision for the association of His followers; that He should have appointed any Ministry; that He should have instituted any outward observances—much less that He should have connected those outward observances with the grace of a spiritual influence which reached beyond the range of mental and moral operations even to the extent of an indwelling of Christ within the disciple, and the accomplishment of his vital union with Christ, wrought by the new birth of water and the Spirit, and maintained by the nourishment of the Body and Blood of Christ. What philosopher ever went beyond the sphere of reason and will, and the influence through these upon the moral action of men, and provided for the re-creation of his followers, and the engrafting of them into a new state of being, in which he should dwell in them and they in him? Or, not content with furnishing principles suited to a better and happier life in this world, provided further for the life eternal through the participation of his flesh and blood?*

* "Such language" (I am the Life of the world, . . . the Living Bread; . . . except ye eat the Flesh of the Son of Man, etc.) "cannot be understood to signify a merely moral union between

Certainly, if we accept the Gospel record of the life of Christ, and the record of the subsequent Apostolic teaching, we are confronted with the twofold purpose of Christ to establish between Himself and His followers a spiritual unity and an external social or moral union. The evidence of the fact of spiritual unity with Christ, in which the disciples are in Him as the branches are in the vine; in which He is in them as the Father is in Him; in which they are born of the Spirit and nourished unto life

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Christ and His Church; for what sense allows, what usage requires, that any intensity of love or reverence for a person can be expressed by the eating of that person? . . . We must therefore understand such words to express not only a moral, but a natural union; not only a consent of will and affection, but a communion of nature and essence, the element of which is the Holy Spirit, Who proceeds from the Father and the Son; Who in them is life unoriginated, and in us is life communicated. . . .

"The substantial reality of this union is further declared in the words in which our Lord instituted the holy sacrament of His Body and Blood. . . . We may suppose a feast instituted in memory of Franklin or Washington, or any sage or hero who has devoted his life to the good of his country and his kind. But who ever heard of the memory of any man being perpetuated by eating his body and drinking his blood? What ignorance ever originated, what wisdom ever devised, what usage of language in any nation, barbarous or civilized, ever authorized such an expression to denote the commemoration of human virtue? Try the expression and consider it, and see if there be any possible sense in which the disciples of Socrates or Plato, or Luther or Bacon, can be said to eat the body and drink the blood of the man whom they respectively follow? And yet our Lord plainly, repeatedly, emphatically, offered Himself to be eaten and drunk by His Church; and in our Liturgy we thank God that He has given us His Son to be our spiritual food and sustenance in this holy sacrament."—*Discourses illustrative of the Nature and Work of the Holy Spirit*, by the late Rev. Dr. Samuel Seabury, p. 77 (1874).

eternal by His Flesh and Blood through the quickening Spirit, is as plain as words can make it. And the evidence of the fact of His calling men to be His disciples; of His association of water with the birth of Spirit, and of bread and wine with His Body and Blood; of His appointment of a regular Ministry, and of His provision for the continuance of that Ministry in the exercise of powers bestowed upon them, to be outwardly exercised until the world's end, is also as plain as words can make it. If the two facts of spiritual unity and external union thus evidenced to us were apparently inconsistent with each other, we should still be obliged, on the principles of reason, to accept each upon its own evidence; we could not accept one and ignore the other. Much less are we justified in pursuing this course when the two facts are not at all inconsistent, but on the contrary complementary—the one being obviously the means by which the other is accomplished. And if either of these facts is inconsistent with the assumption that Christ was merely the teacher of a philosophy which men were to absorb and assimilate according to their own pleasure, certainly both together are inconsistent with the idea that the true Church is an invisible abstraction, the concrete exponent of which is to be found only in voluntary associations. Yet, acting more or less consciously upon this idea, men have given expression to it by different theories of the commission to the Ministry, making it either to be derived from the authority of the congregation or body associated, conferred upon those who conceive themselves to have been already called by the Spirit to the exercise of it, or from the inward consciousness of a direct call of the Spirit without the intervention of any external means whatever.

These theories, which may be called respectively the Congregational and the Independent, have prevailed extensively among those who since the Reformation have separated themselves into voluntary associations under various names, expressive of particular tenets upon which they have thought it necessary to lay especial stress. And it is to be noted that they have prevailed the more extensively in proportion as men have been imbued with the idea that the only true Church is the Church Invisible, since they well accord—especially the former—with the idea that the Church Visible is a congeries of voluntary associations.

There are, however, other objectionable theories which are hardly traceable to this conception of the Church, but, on the contrary, assume the Divine, or at least the Apostolic, origin of the Visible Church, although it seems in that view to be relegated to a sort of ancillary station, and to have a rather apologetic existence in view of the sufficiency of the Church Invisible to accomplish all the really needful ends of redemption. These theories may be called the Presbyterian and the Episcopal. They are largely due, as has been already intimated, to the scholastic influence which produced the opinion prevalent about the period of the Reformation, that the full power of order resided in the Priesthood, of which the Episcopate was a branch or extension with additional powers of jurisdiction. But they both likewise assume the sub-Apostolic organization of the Church, and the establishment of the Ministry of the Church, either by a process of growth and development within the Church itself out of a fancied original equality, or at best the arrangement and settlement of a Ministry by the Apostles *de novo*, and, as it were, in substitution for the Apostolic Ministry of

Christ's ordination. Much learned controversy has resulted upon the question whether the Apostles—supposing them to have provided the Church with a Ministry—constituted that Ministry of three orders or of only two. The Presbyterian theory insists upon two, and what is here called the Episcopal theory insists upon three. In both cases the objection may fairly be made that the Ministry of Christ's institution ceases, and a new ministry of Apostolic institution begins; and although we may assume that their possession of the Holy Spirit made the Apostles' institution practically a Divine institution, yet much is lost in the placing of the Episcopate upon this foundation instead of making it a continuance of the original institution of Christ. The Apostolic Ministry of Christ vanishes. Another Ministry takes its place. And room is given for the argument that the Episcopate is rather a providential development than a directly Divine imposition; rather a historic fact than a spiritual reality. No such weakness belongs to the position that the whole power of the Ministry of the Church is inherent in the Apostolic office of Christ's institution, and that the Apostles, in accordance with their commission and acting under the guidance and direction of the Spirit, distributed the powers lodged in that office as occasion was given them in the enlargement of the Church, admitting two subordinate orders to their respective and limited shares thereof, and handing down their own office in its entirety to others whom they admitted to succeed them in it—so that the development of the Christian Ministry was not a development from beneath upward, but from above downward.

But before noting the evidence which appears to sustain this position, it will be well to refer briefly, by way of caution, to another theory, which is not indeed a

theory of the Ministry, but such a theory of the Church as sensibly affects the estimate of the power and authority of the Ministry. The theory results not from regarding the true Church as Invisible, and the Visible Church as optional, but rather from a tendency to confuse the two—ignoring the essential distinction between the spiritual unity of Christ with His members, and the external social union by which, through the operation of the Holy Spirit, He designed the accomplishment of that unity. Yet the distinction is one which, in the nature of things, is inherent in the sacramental idea which pervades the universe itself,* and notably the Divine dealing with man, and is surely not to be ignored in our conception of the Church. As the Twenty-eighth Article declares of transubstantiation, that it overthroweth the nature of a sacrament, so a conception of the Church which identifies the unity with the union, making the Church Visible the same as that of which it was instituted to be the efficient cause, overthroweth the nature of that Church. And this mystical theory—for so, perhaps, without offence it

* "Every structure stands upon a basement of some sort; . . . the larger the edifice, the broader spread the courses of masonry below. What shall be said of the sacramental system, whose maker and builder is God, which is ample enough to gather in the nations; in whose successive stories, as they rise upward, room and place are provided for all people, tongues, and languages of the redeemed? Must not such a structure as this have a foundation commensurate with its proportions and adequate to its design? That is what I have already suggested for your consideration, alleging that a system so large and grand may be regarded as undoubtedly anchored somewhere in the roots and bases of the universe itself."—*The Sacramental System Considered as the Extension of the Incarnation* (Paddock Lectures of 1892), by the Rev. Dr. Morgan Dix (the whole of which book the student should read).

may be called—regarding the Church as in such sense the Body of Christ as that it (not merely possesses in its sacramental system a means by which the extension of Christ's Incarnation is effectually and beneficially accomplished—which is a just and elevating conception—but) in itself constitutes such extended Incarnation ; and reasoning from this premise, either toward the conclusion that the powers of the Ministry necessarily operate to produce their proper spiritual effects, thus attributing to the Divine grace the character of a natural or mechanical force ; or else toward the conclusion that the Church is as a result of this Incarnation so identified with Christ that whatsoever it does or wills is the deed and will of Christ, may very justly be said, in its confusion of ends and results with means and processes, to overthrow the nature of the Church, and to obscure the view of its true constitution. For the Church of Christ is not a force ; nor is it Christ Himself. It is a society constituted by Him, with institutions and laws imposed by Him as its Head, requiring the voluntary obedience of its members ; distinguished from other societies by its Divine foundation, and the fact that it is made by its Divine Founder the custodian of a supernatural faith, and the vehicle or channel of a supernatural grace, but none the less a society, and none the less dealing with men after the manner of an external social union, involving the concurrence and coöperation of the individual reason and will. Being so constituted it becomes the Body of Christ. But the society or body dignified by this title possesses it as a moral entity ; socially and not as a philosophical abstraction. Nor can such a body, however it be, in the intent of its institution, fitted to procure the unity of its members with Christ, ever be, as

such, in itself so the Body of Christ as to be the same Body in which He is incarnate; nor, if such a thing were possible, could the part be the whole, or the Body of Christ the whole Christ, so that His Headship, rule, and sovereignty over it could be devolved upon it and subjected to its will; or, which comes to the same thing, infallibly represented by its voice. The notion that the Church, being the Body of Christ, is so able to speak for Christ as that its voice shall be His voice, is, of all others that the wit of man has yet devised, at once the most fanciful, and the most destructive of the principles of the constitutional order of the Church. In this notion the Church so magnifies its office as to assume to become Christ Himself; nor is this pretence to infallibility less objectionable than that of the Papacy, except that its utterance would be more difficult to ascertain and establish. This difficulty, however, would be likely to be met by making the voice of each particular Church equivalent to the expression of the voice of the whole when that could not conveniently be had; and as the notion assumes that all the powers of the Ministry are conferred upon them through the Church, which has first received them; which involves the dangerous consequence that these powers may be resumed and re-distributed by the authority by which they were communicated, it seems that after all we have here nothing better than a hash of the principles of Congregationalism served in the gilded dish of reverence for the Church.

But if it were the will of our Lord to establish His Church among men after the manner of a society or kingdom, of which He Himself is the perpetual Head, and to provide for the government of that society by communicating to a successive Ministry such measure of

that authority which belonged alone to His own office as was needful for the benefit of successive generations of His disciples, it would seem that such an arrangement would be altogether probable and natural, and such as would be consistent with the nature of the Church as the means of accomplishing the ends of redemption.

That our Lord transmitted to the Apostles the authority which He administered on earth, appears to be involved in the relation in which the Apostles stood, as those who were manifestly in training for the due execution of a trust to be reposed in them after His departure; as well as from particular texts, which have already been in part considered.

It is recorded that after having by His preaching gathered disciples, and having by His miracles given them such evidence of His Divine authority as was needed to establish their faith in Him, our Lord went out into a mountain to pray, and continued all night in prayer to God. And when it was day He called His disciples; and of them He chose twelve, whom also He named Apostles.* These Apostles, enumerated by name, are sometimes called "the twelve," sometimes "the twelve disciples," sometimes "the disciples," and "His disciples;" but the distinction between them and the company of disciples is as plain as between that company and the multitude. Unto the twelve Apostles St. Luke relates that He said: "I appoint unto you a kingdom, as My Father hath appointed unto Me." † St. Mark says: "He ordained twelve, that they should be with Him, and that He might send them forth" ‡—enumerating them. According to St. Matthew, who also enumerates them,

* St. Luke, vi. 12–16. † St. Luke, xxii. 29–30.
‡ St. Mark, iii. 13–19.

He gives them various instructions,* sends them to preach to the lost sheep of the house of Israel,† and tells them: "He that receiveth you receiveth Me, and he that receiveth Me receiveth Him that sent Me";‡ promises them that when the Son of Man shall sit on the throne of His glory, they also shall sit on twelve thrones judging the twelve tribes of Israel;§ and bids the eleven (after the defection of Judas) go and disciple all nations, baptizing and teaching them to observe all things which He had commanded them.‖ In the narrative of the Institution of the Eucharist, St. Matthew¶ and St. Mark** record the commission to commemorate His sacrifice as spoken to *the twelve*, St. Luke†† to the *twelve Apostles*. St. John, who does not relate the Institution, records that which follows it, and represents our Lord as saying to the disciples, "Ye have not chosen Me, but I have chosen you, and ordained you."‡‡ As there is no evidence of any addition to the number present at the Institution, it is a matter of course that these words were spoken to the Apostles.

These texts are sufficient evidence of an official character given by our Lord to the Apostles involving authority as well as ministerial function. They would be sufficient even if they were not corroborated by that passage which many have regarded as the chief evidence of our Lord's commission to them; that, namely, which occurs in St. John, xx. 21–23, and the interpretation of which controls the interpretation of St. Matt. xvi. 19,

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* St. Matt. x. † St. Matt. x. 5–7. ‡ St. Matt. x. 40.
§ St. Matt. xix. 28. ‖ St. Matt. xxviii. 91, 20.
¶ St. Matt. xxvi. 20. ** St. Mark, xiv. 17.
†† St. Luke, xxii. 14. ‡‡ St. John, xv. 16.

and xviii. 18; and certainly if there were any reasonable ground of doubt about the application of this passage to the Apostles, that doubt should be settled in accordance with the plain meaning of other passages, and not be suffered to overbalance them. That there is no reasonable ground for this doubt, may perhaps be justly inferred from the unanimity with which it has been understood in the Church that the act of breathing and the accompanying words were directed to the Apostles alone: insomuch that it is no great venture to say that, prior to the present generation, and perhaps its predecessor, there is no defender of the Apostolic Succession who even so much as gives a reason or offers an argument for the propriety of this interpretation, so entirely is it taken for granted as a matter of course. It is strange, if the doubt have any reasonable foundation, that it should not have been discovered until, under the influence of the genius of popular sovereignty in the State, men began to cast about for evidences that the source of power in the Church also was in the Body and not in the Head. It is not, indeed, to be wondered at that under this influence men should altogether scout the doctrine of Apostolic Succession; but that men who profess an adherence to that doctrine should seek to accommodate it to the prejudices of its opposers by bringing it in circuitously in the guise of a grant from the people, is a process more commendable for its ingenuity than for its rectitude; though the attempt to appropriate this passage to their purposes is less injurious than plausible.

It is necessary to say, however, in pointing out the speciousness of this perversion of the obvious intent of the passage, on the ground of the fact that the Apostles are not here named by that title, and of the inference

that others than the Apostles were present at the interview described: (1) That the general, if not unanimous, usage of the Church has been to apply it to the Apostles; (2) that St. John in his Gospel never once designates the Apostles by that title, but always by that of Disciples which he here uses; and (3) that, on the supposition that it is true that others were present, there is no more reason for supposing that words implying an official character were addressed to the company, and not to those who had already been set apart by an official appointment and designation, than there is for supposing that the very same words used in an ordination of priests at the present day in a public service should be understood to be addressed to the congregation, instead of to those who already had previously served the term of their Diaconate, and were there present to receive an advancement in their Order.

That the authority shown by these texts to have been conferred upon the Apostles was given to them not only personally, but also officially, appears from the promise made in connection with the final commission, "Lo, I am with you alway, even unto the end of the world."* If this promise was made to the Apostles in a personal sense, it has failed; unless it be understood to refer to a presence with them after death. But the promise was made to them in connection with the direction to discharge those duties which belonged to them only in life; viz., preaching, baptizing, discipling, etc. Therefore, the promise of Christ's presence, and by consequence the commission of His authority, was to the Apostles in the official sense—to their office rather than to their

* St. Matt. xxviii. 20.

persons—and, being a promise in perpetuity, involves the permanence of the office.

There is another consideration which adds strength to the position that there was in the Apostles not merely a personal authority or commission to do certain things, but also the tenure of an office in which powers were, so to speak, constitutionally lodged. This consideration is derived from the history of St. Thomas, whose absence from the company of the Apostles when our Lord said unto them, "As My Father hath sent Me, even so send I you," has led some to question the idea of an Apostolic commission, because, as it involves the same authority to each Apostle, the want of authority in one would imply the want of authority in all. The case, however, if properly understood, bears in the other direction. For if St. Thomas was, like the rest of the twelve, regularly constituted an Apostle, as certainly he had long before been, he had thereby become entitled to his equal share of all the authority of the Apostolic office, at what time soever this authority might be verbally expressed; and there was no reason why his absence on any one occasion of such expression should deprive him of what was as needful to him as to the others; nor, as his subsequent history shows that he as well as the other Apostles exercised this office, is there any reason to infer that his absence on the occasion referred to caused him to lack any of those powers with which our Lord had endowed it. *

2. That the first holders of this office were enabled and directed by the Holy Spirit in their discharge of its

* *Cf.* Numbers, xi. 24–29. Eldad and Medad were of the number of them that were *written* among the Seventy who received the spirit of prophecy; but though they went not up to the Tabernacle, they prophesied in the camp.

duties, is important as establishing the Divine authority of their action in the distribution of the powers of the office into several Orders. This point needs no citation of evidence beyond the reference to the promise of our Lord to the Apostles;* His direction to them, after authority (*Ἐξουσία*) † had been conferred upon them, to refrain from its exercise until they should be endued with power (*δύναμις*) from on High; ‡ and the descent of the Holy Spirit on the Day of Pentecost. §

It may not be amiss, however, to add, that there seems to be as little ground for the inference that the presence of others besides the Apostles at the time and place of the descent of the Holy Spirit indicates the gift of the powers of the Ministry to the body of the faithful, as there is for the misapplication of the passage in St. John, xx. 21–23, already noted. An admission of the fact of such presence, even if it involve the participation of all in the grace given, does by no means include the consequence that this grace was solely the communication of ministerial power, much less that all those present received such power. Nothing is more elementary than that "there are diversities of gifts, but the same Spirit," ‖ nor needs anything be more obvious than that the grace of the Holy Spirit descending on the Day of Pentecost was the Divine power given to each one receiving it to walk worthy of the vocation wherewith he was called; so that the grace of the Ministry would, according to the analogy of the Divine dispensation, be bestowed upon those who had been already appointed to that Ministry, and the grace of the discipleship would be apportioned to the needs of that station.

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* St. John, xvi. 13. Acts, i. 4, 5. † St. Matt. xxviii. 18.
‡ Acts, i. 8. § Acts, ii. 1–4. ‖ 1 Cor. xii. 4–12.

PROPOSITION XIV.

The Apostles exercised the power of government, and other powers belonging to their office.

NOTHING can be a plainer proof that these powers were conferred by our Lord upon the Apostles, than the fact that they exercised them. Nor is it possible to imagine that the powers of the Ministry should have been, according to modern theories, either evolved out of the consciousness of the Church, or delegated by it in pursuance of our Lord's intent or previous instruction, when we find the Apostles exercising them as a means of perpetuating and extending the Church itself, and imparting them to others for the like use. Obviously, and in the only natural or possible order of things, it is the Ministry which mediates between Christ and the Church, and not the Church which mediates between Christ and the Ministry; nor can there be any suspicion of a mistaken interpretation of the acts and words of our Lord, when that interpretation accords with the acts performed by the Apostles. "And whoever carefully reads over the New Testament will find that scarce any act of power was done by our Lord whilst He lived on earth, which was not, at least in some degree, exercised by the Apostles after His Ascension." *

The exercise of their powers appears, among other things, in their taking order to supply the place of Judas (Acts, i. 15–26); in the matter of ordaining (Acts, vi. 1–6,

* Archbishop Potter, "Church Government," ch. iii., the whole of which chapter should be read in this connection.

xiv. 23) ; of confirming (Acts, viii. 14–17, xix. 1–5) ; of excommunicating (1 Cor. v. 3–5) ; of absolving (2 Cor. ii. 10) ; of making laws (Acts, xv. 28, 29 ; 1 Cor. xi., xiv.; 2 Thess. iii. 4, 10, 12) ; and asserting their own authority against false Apostles (2 Cor. xi. 13 ; 3 John, 9, 10). "These are plain proofs that the Christian Church was then governed by the Apostles. Yet it must not be concealed that there were some at Corinth who disclaimed St. Paul's authority. But upon what pretence was this done ? Did they deny that the authority which he exercised belonged to the Apostolick Office ? If this had been objected, it would have put him upon asserting the power of the Apostles to govern the Church. But instead of that, he only proves his own title to the Apostolick Office, which these men seem to have denied, because he had been a persecutor, and was not one of the Twelve. Whence they rather chose to be called the followers of Apollos, who was an eloquent orator, or of Cephas, the first Apostle. In opposition to these schismatics, he proves himself to be an Apostle both in the general sense of that name, and particularly as he had been sent to preach the Gospel to them. . . . *Ye are the seal of mine Apostleship in the Lord.* . . . So that this very objection is rather a proof that the Apostles had such an authority as was exercised by St. Paul ; since it appears, that they who denied him this authority, did it on this pretence, that he was not an Apostle ; and the way he takes to assert his right to this authority, is only to prove his right to the Apostolick Office." *

* Archbishop Potter, *ut supr.*

PROPOSITION XV.

In exercising the power of Ordination the Apostles (1) ordained to two degrees inferior to their own, and (2) admitted some to their own order and transmitted to them their ordinary official authority.

UNDER (1) see Acts, vi. 1–6, xiv. 23 ; under (2) see Epistles to Timothy and Titus.

In saying that the Apostles admitted some to their own order, it is not meant that those who were thus admitted were possessed of all the powers and privileges which belonged to the original Apostles, but only that they received the ordinary official authority of the Apostles.

The distinction between ordinary and extraordinary powers and gifts is both obvious and important, yet it is one which is not always observed. It is not an uncommon popular prejudice which considers the Episcopal claim to Apostolic succession amply refuted by the absence of the power of the Bishops to work miracles as Apostles did ; nor indeed are the subjects of this prejudice the only ones who misapprehend the nature of the miracle and its function in the Divine dispensations as the evidence of the Divine mission. But certainly, when this evidence has been sufficiently given to arrest the attention of men and induce them to admit the right of those who have furnished it to establish an order or system for the preservation and promulgation of the Divine message, the need for such extraordinary demonstrations and the power which produced them has passed away. And the system itself, with its historical record, becomes the standing evidence of its own Divine origin.

"I do not deny," says Bishop Bilson,* "but many things in the Apostles were personal, given them by God's wisdom for the first spreading of the faith and planting of the Churches amongst Jews and Gentiles. . . . To be called by Christ's own mouth and sent into all nations; to be furnished with the infallible assurance of His truth, and visible assistance of His Spirit, not only to speak with tongues, cure diseases, work miracles, know secrets and understand all wisdom, but to give the Holy Ghost to others that they might do the like: these things I say were needful at the first planting of the Gospel. . . . But to maintain the Church once settled . . . there is no cause why either . . . should endure."

The distinction is therefore very plain, in the matter of succession, between the personal and the official powers of the Apostles. Their personal gifts were not successive; neither could those who succeeded to the office which they held, act in the government of the Church in all respects as those to whom the first settlement of it belonged. The point is that the Apostles transmitted to others, along with the power of ordination, that power of supervision and government over Churches in particular places which they themselves exercised before they committed the duty to others. These ordinary powers appear in the cases of Timothy and Titus, but there is a plain distinction between them and other powers of the Apostles.†

Four extraordinary prerogatives are attributed to the

* "The Perpetual Government of the Church," ch. ix., near the beginning.

† As to the Episcopal authority of Timothy and Titus, see Archbishop Potter, ch. iv.

original Apostles : (1) Immediate vocation by Christ Himself ; (2) Unlimited commission over all nations ; (3) Infallible direction both in preaching and writing ; (4) Power to work miracles—all of which were needful for the first planting of Churches, but were not conveyed to posterity by succession. "Other things they had which were necessary for the Church in all future ages, in which they had successors. They had power to minister the Word and Sacraments, wherein every Presbyter succeedeth them. They ordained ministers, executed censures, and other things belonging to the government of the Church, wherein every Bishop succeedeth them." *

Every Apostle was in fact a Bishop in the sense that the Episcopal was included within the Apostolic power ; and the Bishop is an Apostle in the sense of having received by transmission that ordinary and successive Episcopal authority which was not only included in the Apostolic office, but which was also the distinguishing characteristic of it.† For it is not to be overlooked that the possession of extraordinary gifts was by no means distinctive of Apostles, but is attributed in the New Testament to many who were not Apostles ; whereas the authority of the Apostolic office belonged only to those who held that office.

* Mason's "Consecration of English Bishops," lib. iv. cap. iii.

† See Andrewes' "Summary View of the Old and New Testaments," and *cf.* Mason's "Consecration of English Bishops," lib. i. cap. iv. ; and Bilson's "Perpetual Government of the Church," Ep. to Reader, p. 11.

PROPOSITION XVI.

The Apostles recognized as possessing the authority belonging to their several offices some whom it does not appear that they themselves ordained; but they recognized no office as superior to their own, and no powers as exempt from their government.

1. St. Paul, receiving his commission from Christ equally with the other Apostles,* was recognized as an Apostle.†

2. Barnabas is mentioned by St. Paul as being included in the same recognition.‡ He is traditionally ranked as an Apostle, but there is no evidence of his ordination unless it be found in Acts xiii. 1–3, which, however, was probably his appointment to a special work.

The objection to regarding this as his consecration to the Apostolate is that the evidence places him and St. Paul in the same position. If one was then consecrated, so was the other. But St. Paul certainly was not (Gal. i. 1); therefore Barnabas was not. He may have been consecrated at some other time by Apostles, or he may have received an extraordinary commission; there is no evidence of either, but the recognition of him shows that there was one or the other.

3. The same remark may be made with respect to Epaphroditus, mentioned by St. Paul as the Apostle to the Philippians, ὑμῶν ἀπόστολον,§ and others, ἀπόστολοι ἐκκλησιῶν.‖

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* Gal. i. 1. † Gal. ii. 6–10. ‡ Gal. ii. 9.
§ Phil. ii. 25. ‖ 2 Cor. viii. 23.

4. St. Paul recognizes prophets and evangelists, pastors and teachers, as occupying a place in the Ministry, or as exercising functions of the Ministry equivalent to those of Presbyters and Deacons.*

There is no evidence of the ordination of ministers under these titles, but there is evidence that the functions of the Ministry exercised by those who acted under these titles were exercised by the Divine commission. It is probable that these titles were names applied to the regular orders. Certainly there is evidence that those who held the ordinary commission under the ordinary titles exercised functions implied in the special titles referred to in these texts. Philip the Deacon was an evangelist.† The elders were exhorted by St. Peter, as pastors, to feed the flock.‡ That prophets were equivalent to presbyters, seems to have been the tradition of the Church, and to be indicated in Ephesians ii. 20. Compare also the Collect for the Feast of St. Simon and St. Jude.

Either the offices indicated by these special titles were the same as those denoted by the titles which were afterward retained by the Church, or else they were merely extraordinary and belonged only to the period of miraculous gifts ; so that the references to them in the New Testament do not affect the argument for the threefold Ministry. Reference is here made to them only to show that, whatever they were, they were inferior to the Apostles.

Whatever gifts extraordinary might be bestowed by the Holy Spirit, those who received them were not above

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* 1 Cor. xii. 28 ; Eph. iv. 11.

† Acts xxi. 8.

‡ 1 St. Pet. v. 1, 2

the authority of the Apostolic office. St. Paul's directions as to the conduct of the prophets (1 Cor. xiv.) show the inferiority of their office to his. Compare also the order in which the several ministries are enumerated by St. Paul (1 Cor. xii. 28; Eph. iv. 11).

PROPOSITION XVII.

The evidence of the establishment of the Ministry derived from the Gospels, Acts, and Epistles is such as to raise a presumption in favor of the threefold order, requiring positive proof to rebut it.

No such proof can be derived from the Scriptures. So far from it, the last book of the Canon proves the existence in several Churches of officers having the Episcopal power of the Apostolic office, and called by a name of the same import with that of Apostle, which strengthens the presumption already raised.*

Other circumstances there are which tend to confirm the evidence above produced, and show that it is not the result of any forced interpretation of the Scriptures.

1. The analogy of the threefold order in the Jewish Ministry.

2. The intimations of the will of Christ given :

A. In the appointment of two orders of the Ministry under Him while He ministered on earth, the Apostles and the seventy Disciples ; as to which two appointments, their distinction from and relation to each other, reference should be made to Archbishop Potter's ch. ii.

B. In the three several degrees by which He advanced the Apostles to the fulness of their authority (the commission to the lost sheep of the House of Israel ; the commission to the consecration of the Eucharist ; the

* See this evidence, which some modern defenders of Apostolic Succession have rather gratuitously presented to the adversary, very judiciously handled by Archbishop Potter, ch. iv. pp. 138–141, edition of 1753.

commission to disciple all nations), corresponding with the three degrees of His own ministry (marked by His Baptism, His Resurrection, and His Ascension, in each of which he seems to have received an accession of authority, although he seems also to anticipate the last two degrees by His commission at the Last Supper, and by the final commission given before His Ascension, but, of course, in view of it).*

3. The unbroken tradition and testimony of the Church.

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* Ante, pp. 69–72.

PROPOSITION XVIII.

The authority of the Bishops, being such as belonged to the Apostles officially, must be subject to such limitations as attached to the Apostles themselves in the discharge of their office.

THIS is obvious unless it be supposed that the Apostles conferred greater powers than they themselves possessed, which is absurd.

Limitations attaching to the Apostles in the discharge of their official authority, were of two kinds :

1. Such as were necessarily involved in their original commission.

2. Such as, acting infallibly under the guidance of the Spirit, they imposed upon themselves.

1. Involved in their original commission were :

A. The duty of obedience to the laws of God, the Apostles being ministers of the Divine will, and not of their own arbitrary power. The exercise of their power to make laws, as well as of their other powers, is affected by this limitation.

B. The duty of confining their official acts to spiritual, in distinction to civil, matters. In the former they were rulers, as representing Christ in the government of His visible kingdom on earth ; in the latter they were subjects, as being members of the Commonwealth, and amenable to its laws in all things not contrary to the will of God, in accordance with the example and precept of Christ, Who declined to interfere in controversies pertaining to the civil courts (St. Luke xii. 13, 14), and

Who bade men render unto Cæsar the things of Cæsar (St. Matt. xxii. 21).

C. The duty of subordination on the part of the individual Apostle to the College of Apostles.

The commission of the individual presupposed his acting with the express or implied assent of his brethren having the same commission.

The same remark may be made with reference to the individual Bishop in his relation to the body of the Episcopate ; only it is to be observed that it presumes the same conformity to the fundamental laws of Christ's kingdom as it presumed in the original Apostles.

The important principles in this connection are : 1st, the unity of the Apostolate, or Episcopate, considered as the office which Christ established for the government of His Church ; 2dly, the official equality of the Apostles, or Bishops, considered as individuals having each an undivided equal share in the powers lodged in that office ; and, 3dly, their subordination, not individually to each other, but individually to the collective body.

Christ gave the commission of authority not to one, but to all the Apostles. That He addressed St. Peter on one occasion, promising to him by name a commission to govern His Church, may be admitted ; but that this does not derogate from the joint commission and equal authority of all the Apostles, appears from the facts : 1st, that the same commission *promised* to St. Peter (St. Matt. xvi. 19) is also *promised* to the other Apostles (St. Matt. xviii. 18), and is afterwards *given* to all the Apostles (St. John xx. 22, 23) ; and if to St. Peter at all, then only at this time and in connection with the other Apostles ; and, 2d, that in the other gifts of authority, *e.g.*, to cele-

brate the Eucharist and to disciple and baptize all nations, all are included.

2. The Holy Spirit, by the action of the Apostles whom He inspired, appears to have prescribed two further limitations to the exercise of their supreme authority.

A. The first of these was the duty of consulting with inferior orders and laity.

In the account given in the Book of the Acts, of the coming together of the Apostles to consider a certain matter, it appears that the Elders were associated with them, and that the decree which they made was put forth with the consent of the whole Church, *i.e.*, of the whole Church at Jerusalem ; from which some have inferred that the laity also were concerned in the formal assent to this decree.* It does not follow, however, that the laity or Elders had a joint authority with the Apostles. This council was of a general or universal character, both in respect to the operation of its decrees and in respect to the Apostles, who were the joint and several governors of the whole Church. The Elders and laity, so far as appears from the New Testament, have no power, *as such*, to make laws or set forth decrees. Whatever power they had must have been derived from the Apostles, or else have been of a representative character, as conferred by the consent and authorization of the Disciples in general. But there appears to have been no representation of the Church at large by these Elders and laity. There was certainly nothing more than a representation of the Church at Jerusalem, even if so much as this can be supposed. And as for authority derived from the Apostles to make laws for the Church, there appears

* See Archbishop Potter, ch. v. 7, "Power of Making Laws."

no evidence of it here or elsewhere. The whole authority, as we have seen, was vested in the Apostles; but they had a right, and under the guidance of the Holy Spirit they seem to have considered it their duty, to take counsel of Clergy and laity who were subject to their authority. This, no doubt, was on the principle, afterwards stated by St. Paul, of the unity of the body; that all were members one of another, and that none could affirm that he had no need of the others;* and on the further principle laid down by St. Peter for the Elders (calling himself an Elder at this time, as if to show that the principle applied as well to Apostles), that they should take the oversight of the people, not as being lords over God's heritage, but as being ensamples to the flock.†

B. Another limitation of their authority appears to have been adopted by the Apostles acting under the guidance of the Holy Spirit, which had reference to the field within which their ministry should be exercised.

The Apostles had a common mission from Christ to go into all the world, but it was their province under the Holy Ghost to settle the principle upon which that common mission was to be fulfilled; and in fulfilling it they went not all together, nor did they carry on their work each one without regard to the other. They separated, and adopted limits for their work in the ministry. Dean Jackson seems to attribute this distribution of labors to Christ himself, saying: "Their opinion is very probable who think that every Apostle had his peculiar circuit allotted him by Christ, and that they did dispose themselves into twelve several parts of the world." Perhaps, however, the last half of this sentence

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* 1 Cor. xii. 20, 21. † 1 St. Pet. v. 1–3.

states what he particularly meant to affirm ; his intention being to indicate the distribution, rather than to distinguish between the direction of Christ and of the Holy Spirit. No doubt the direction was from Christ, even if through the Holy Spirit ; but the evidence of it appears not in the *recorded* words of Christ, but in the acts of the inspired Apostles.*

Generally the field of work which they occupied was denoted by place, as when Saul and Barnabas were separated for a certain work, going to Seleucia, Cyprus, and Salamis ; † Barnabas afterwards going to Cyprus again, and St. Paul to Syria and Cilicia.‡ So, too, the Apostles "sent Peter and John" on a special mission to Samaria.§ And so, too, St. Paul, writing to the Corinthians, seems to justify his right to preach the Gospel to them according to the measure of the rule or line which God had distributed to the Apostles ; a measure which in his case reached even unto them.‖

In one notable division of work, however, the mission seems to have been directed towards different classes of people, irrespective of their dwelling place ; the Gospel of the Circumcision being committed to St. Peter, and that of the Uncircumcision to St. Paul,¶ an arrangement

* See Jackson's Works, Book XII. ch. viii. § 5. See also in the same place his comment on Acts i. 24, that the Greek may bear another sense than that commonly put upon it : "to wit, that *he that took part* of the ministration and Apostleship from which Judas had fallen, *might be sent that circuit* which Judas, had he not fallen, should have gone." He refers to Mason (Lib. I. ch. iv. p. 24) ; but Mason does not here say what Jackson says, though what he does say is not inconsistent with Jackson's curious and interesting comment.

† Acts xiii. 2–4. ‡ Acts xv. 39–41. § Acts viii. 14.
‖ 2 Cor. x. 11, 16. ¶ Gal. ii. 7.

obviously temporary in its nature, caused by the remarkable tenacity of the Jews to their national customs, and in accordance with the special object for which St. Paul received his Apostolate, yet not so exclusively exceptional as to be without a certain venerable precedent in primitive times, nor without the hope of a possible use in the healing of schisms in a country wherein the ecclesiastical estate is free from all entanglement with the civil, and whose citizens have been gathered out of the Churches of all nations—provided the time shall ever come when all these Churches, retaining their own individualities and pious opinions, can occupy the really Catholic ground in respect of the essential principles of faith and order.*

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* "Yet it must be observed," remarks Bingham, "that as the great end and design of this rule [that two Bishops should not be ordained in one city] was to prevent schism and preserve the peace and unity of the Church, so, on the other hand, when it manifestly appeared that the allowing of two Bishops in one city, in some certain circumstances and critical junctures, was the only way to put an end to some long and inveterate schism, in that case there were some Catholic Bishops who were willing to take a partner into their throne, and share the Episcopal power and dignity between them. Thus Meletius, Bishop of Antioch, made the proposal to Paulinus, his antagonist, who, though he was of the same faith, yet kept up a Church divided in communion from him. I shall relate the proposal in the words of Theodoret. 'Meletius,' says he, 'the meekest of men, thus friendly and mildly addressed himself to Paulinus: "Forasmuch as the Lord hath committed to me the care of these sheep, and thou hast received the care of others, and all the sheep agree in one common faith, let us join our flocks, my friend, and dispute no longer about primacy and government, but let us feed the sheep in common, and bestow a common care upon them. And, if it be the throne that creates the dispute, I will try to take away this cause also. We will lay the Holy Gospel upon the seat, and then each of us take his place

The general rule, of course, is that the field of work is within a certain place, and to the examples already adduced as indicating this rule may be added the case of St. James the Less, whom tradition calls the Bishop of Jerusalem, and of the recognition of whose superior position in that city there seems to be good evidence in the Book of the Acts. In the council of Acts xv. he seems to hold the position of presiding officer; when St. Peter was delivered by the angel he tells his friends to show these things to *James* and to the brethren;* and when St. Paul returned to Jerusalem he went in unto *James*, all the Elders being present with him.†

These examples are sufficient to exhibit the principle on which the common mission of Christ was fulfilled by the Apostles. They go to the extent of showing that while the Apostles were all equal in their authority, yet they did not assume to exercise their authority equally in all places; but either by assignment of the College, or in the exercise of individual judgment, tacitly sanctioned by the College, or by special direction of the Holy Ghost, they went into separate fields of work. We do not find, so far as the Scriptural account goes, that the Apostles were so limited that they were resident as Bishops subsequently were, except in the case of St. James. Even in

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on either side of it. And if I die first, you shall take the government of the flock alone; but if it be your fate to die before me, then I will feed them according to my power." Thus spake the Divine Meletius,' says our author, 'lovingly and meekly, but Paulinus would not acquiesce nor hearken to him.'

"We meet with another such proposal, made to the Donatist Bishops by all the Catholic Bishops of Africa assembled together, at the opening of the famous conference at Carthage."—*Christian Antiquities*, Book II. ch. xiii. sec. 2.

* Acts xii. 17. † Acts xxi. 18.

this case the settlement depends chiefly upon the evidence of traditional history, although there are sufficient Scriptural grounds for the acceptance of the Church tradition. In the case of other Apostles we find such tradition, though without the same support; and this tradition plainly sustains the principle of the distribution of the common mission into special fields of work, though apparently it does not indicate such permanent residence as appears in those who succeeded them, except as it might be temporarily, or possibly at the close of life, after the completion of a circuit of what we would now call missionary labor. St. Peter is said to have resided in Antioch, and is claimed to have resided at Rome, though this has been largely disputed. St. John is said to have resided at Ephesus after his return from banishment. But, however all this might have been, it is certain that the Apostles were not so limited to special districts as Bishops are, and it seems equally certain that the principle of separate fields of work was applied by them to their successors with the condition of residence, Timothy being placed at Ephesus; Titus at Crete; the seven angels, to whom St. John delivered the message of the Spirit, to the seven Churches, each being in charge of the Church in his own city, as the Scripture shows; and St. Mark having been settled at Alexandria, as tradition affirms; and such has ever since been the rule. So that, as Archbishop Potter says, "If we descend to the next ages, there will scarce be found any testimony for Episcopacy, which does not prove that Bishops were limited to a certain district in the ordinary exercise of their office." *

* "Church Government," ch. v. pt. 4.

From all of which it appears that, according to the constitution of the Church, as it was settled by Christ and the Apostles acting under Divine direction, the authority of the Apostolic or Episcopal office, although supreme, is yet to be exercised subject to certain limitations, which may be thus re-stated :

1. It must be exercised in accordance with the law of God.

2. It is confined to the Church.

3. It involves the subordination of the individual Bishop to the determination of his brethren of the Episcopate given by common consent and conformably to the fundamental laws of Christ's kingdom.

4. It is to be exercised, not tyrannically, but with due regard to the inferior members of the Body of Christ.

5. It is to be exercised by individual Bishops, not indiscriminately everywhere, but in places to which they are duly appointed.

Besides the limitations which are thus classified, the general principle is to be noted that the authority of the Bishops as successors to the Apostolic Office does not extend to the overthrow of that which the Apostles established as part of the permanent order of the Church. And as between various Apostolic regulations, the test of permanence is the action of the Church in the succeeding ages, either accepting and using, or abandoning what the Apostles ordained.

The value of this test does not depend upon any authority in the Church to set aside matters of Apostolic rule, but upon the importance of the evidence which the action of the Church in those ages furnishes as to the intent of the Apostles and of the Holy Spirit Who guided them. Whatever the Apostles ordained as matter of local

or temporary importance would be so regarded by the Church, and would not long survive the reason which required it. Whatever the Apostles ordained as part of the standing order of the Church, would be so received by the Church, and would survive and be handed down to subsequent ages; as, for instance, the Presbyterate and the Diaconate come to us not merely as Apostolic ordinances, but as Apostolic ordinances which the Holy Ghost and the Apostles intended to be permanent. They were accepted and used by the Church, and handed down to subsequent ages with the concurrent testimony that they were a part of the permanent or constitutional order of the Church, no more lawfully capable of essential alteration than the Episcopal Office, or the matter of the Faith itself.

PROPOSITION XIX.

The existence of limitations upon the exercise of the authority of the Apostolic or Episcopal Office implies the distinction between power and right, which applies to ministerial functions of every degree. The power of order in general is to be distinguished from the right to exercise that power. The lawful right to exercise the power of order is jurisdiction.

SINCE the right to exercise power is generally limited to some place, the place is often considered as the jurisdiction ; but, properly speaking, jurisdiction is, in itself, the right to exercise power (*a jure dicendo*).

Some writers distinguish jurisdiction into two kinds, *habitual* and *actual ;** by which, however, they mean the possession of power and the right to exercise power. Habitual jurisdiction is equivalent to the power which a Bishop has by admission into his order. He is said to have actual jurisdiction when he may lawfully exercise this power, either by virtue of due appointment to a certain field, or by consent of the Bishop of another diocese. Others state the distinction as between *order* and *mission.*

Palmer illustrates this as follows : "If a regularly ordained Priest should celebrate the Eucharist in the Church of another, contrary to the will of that person and of the Bishop, he would have the power of consecrating the Eucharist—it actually would be consecrated—but he would not have the right of consecrating ; or, in other

* Blunt's "Theo. and Hist. Dict.," title, *Jurisdiction,* and authors cited.

words, he would not have mission for that act. If a Bishop should enter the diocese of another Bishop, and, contrary to his will, ordain one of his Deacons to the Priesthood, the intruding Bishop would have the *power*, but not the *right* of acting. In fact, mission fails in all schismatical, heretical, and uncanonical acts, because God cannot have given any man the right to act in opposition to those laws which He Himself has enacted, or which the Apostles and their successors have instituted for the orderly and peaceable regulation of the Church. He is not the author of confusion, but of peace, as in all the Churches of the saints. . . . Mission can only be given for acts in accordance with the Divine and ecclesiastical laws, the latter of which derive their authority from the former, and it is conferred by valid ordination. . . . Should the ordination be valid, and yet uncanonical, mission does not take effect until the suspension imposed by the canons on the person ordained is in some lawful manner removed." *

The terms "mission" and "jurisdiction" are sometimes so used as to lead to confusion. There is a sense in which they are to be distinguished; there is also a sense in which they mean the same. Mission is to be distinguished from jurisdiction when the latter word is used in its limited signification, in which case the word "mission" has also a limited meaning, having reference to the canonical or lawful sending of a person ordained to a certain see or duty. Although mission in its wider sense be received by

* "Antiquities of English Ritual," II. pp. 247, 248, by the author of the "Treatise of the Church of Christ," and other works of great value to the student of Church polity—the Rev. William Palmer of Worcester College; not to be confounded with Rev. William Palmer (the Deacon) of Magdalen.

valid ordination, yet one may be validly ordained without receiving mission in the limited sense. If a Bishop were to be consecrated without having a see assigned to him, or with assignment to a see already full, although validly ordained, his mission would be defective, and those whom he, with other Bishops similarly situated, might consecrate would have the like defective mission. This is the case of the Bishops of the Roman schism in England. Supposing their ordination to be valid, they lack mission because they have been ordained to jurisdictions already occupied, and minister contrary to the canons of the Catholic Church, in opposition to other Bishops lawfully settled in the same place. By consequence their Priests also lack mission; and the same remark, of course, applies to all the emissaries of the Roman See who have served opposing altars in that country from the time of the first withdrawal of the Papal adherents from the communion of the Church of England, in the reign of Elizabeth, up to the comparatively recent formal establishment of the hierarchy there.*

It is sometimes said by those who accept this statement so far as England is concerned, or who fail to make a satisfactory answer to it, that the position cannot be maintained in the United States of America, since in some portions of that civil jurisdiction there has been a prior occupation by the Bishops of the Roman Communion. The reason assigned is, however, by no means to be taken for granted. Of the thirteen States which originally constituted the United States, there was none that had

* *Cf.* Seabury's "Haddan on Apostolic Succession," pp. 106–111. The student should read on the whole of this question Bishop Bramhall's "Just Vindication of the Church of England from the charge of criminous schism." Works, Anglo-Catholic Library, vol. i.

not previously been a colony of England, and as such occupied by the Church of England. The colonies were an extension of England into America; and if the adherents to the Papacy were in schism in England, it is difficult to understand how that state of things could be changed by being transported over the ocean.* What constituted the Roman schism (in this aspect of it) was the intrusion into a country where the order of the Church was already settled, and where the faith and sacraments of Christ were guarded by a lawful succession of Bishops. The same order existed in the colonies. With whatever imperfection of administration, resulting from the delay of sending Bishops to reside in the colonies, this order was lawfully and canonically settled, parishes and missions being established under care of regularly ordained Priests amenable to, and acting under, the jurisdiction of rightly and duly consecrated Bishops in England. And when, after the Revolutionary War, these colonies became independent States, and resident Bishops were supplied to the members of the Church in those States from the same lawful succession, although their jurisdiction was, properly speaking, each one within his own State, yet their position enabled them to furnish, and in fact they did furnish, to the members of the Church in all the States such Episcopal ministrations as were needful for the perpetuation and extension of that Church, and for the preservation of it in the unity of the Catholic communion. They associated themselves together, and took order for the continuance of their succession, and for the oversight of the Church in all the States of the Union.

* Palmer, "Church of Christ," i. 305

The introduction of the Roman Episcopate into the United States was, therefore, as unnecessary in that country as had been the intrusion of the Papal emissaries into England. Due provision, in accordance with the requirements of the Catholic canons, was made for the perpetuation of the succession of the Anglican Episcopate before the succession of the Roman Episcopate was introduced. In the State of Maryland it is true that the Roman Bishop Carroll was consecrated in 1790, and the Anglo-American Bishop Claggett in 1792. If the States had stood alone and apart from each other, the question of mere priority of Episcopal occupation—setting aside all other questions—would in that single State be decided in favor of the Roman succession. But the States did not stand alone, either civilly or ecclesiastically, but in both kinds were engaged in a common union, whereby they became members one of another ; so that a defect in either might, in accordance with the terms of their union, be supplied from the common government of all. The settlement of Bishop Carroll in Maryland was, therefore, an intrusion into a place which was already under the care of a lawful Episcopate, and in accordance with that care was designed to be, and soon after actually was, provided with a resident Bishop of its own. There was here practically as much a setting up of altar against altar as there would have been had Claggett actually been first consecrated ; for the place was a recognized Diocesan jurisdiction, part and parcel of a system of Diocesan jurisdictions—the Church in the State of Maryland being equally with the Church in other States of the Union represented as such in the Ecclesiastical Union, each State being regarded as the field of a distinct Episcopal jurisdiction.

If the question of schismatical intrusion depended upon right of priority merely, it would be fairly decided by the fact that Maryland was, at the time of the entrance of the Roman Bishop, one member of an Episcopal system, having the right to the succession provided by that system, and having the ability and intent to obtain it. And if we look beyond the case of the original members of this system, to the case of those States and Territories which were afterwards added to it, and some of which were at the time of their accession, or had been prior to it, inhabited by those who acknowledged the jurisdiction of the Roman See, it is not beyond the bounds of reason to regard them in the same light—as becoming by their accession to the civil Union of right entitled to the Episcopal oversight belonging to the ecclesiastical system which had been established in consequence of the establishment of the civil system, and was designed to be coextensive with it, and was under obligation to extend throughout its limits. So that the Roman hierarchy set up schismatically and unnecessarily in Maryland, could not, in its extension into other States of the Union, whether the inhabitants of these had previously been under the Roman obedience or not, be other than schismatic and unnecessary in those States as well as in Maryland—seeing that they were all equally grafted into a canonical system of Episcopal oversight.

It may, indeed, be said that the Episcopal oversight thus provided was lacking in proper qualifications for its exercise, or that the Roman Episcopate was better suited to the requirements of those who had been accustomed to Roman usage. This, however, is to present an entirely different question from that of priority of occupation; and as to this point there appears to be no

sufficient reason for giving away the position that the system of Episcopal oversight applicable to all who dwelt within the civil Union was lawfully and in fact established within that Union before the system of the Roman hierarchy derived from Carroll was introduced, even supposing that that hierarchy was in other respects duly and orderly established in accordance with the Catholic canons, which would be somewhat difficult of proof.*

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* Pope Pius VI., by Bull of November 6, 1789, appointed the Rev. Dr. John Carroll Bishop of Baltimore, "granting to him the faculty of receiving the rite of consecration from any Catholic Bishop holding communion with the Apostolic See, assisted by two ecclesiastics vested with some dignity, in case that two Bishops cannot be had, first having taken the usual oath according to the Roman Pontifical." —"A Short Account of the Establishment of the new See of Baltimore." Printed by J. P. Coghlan, London, 1790, page 17.

"Upon the receipt of his Bulls from Rome he immediately repaired to England, where his person and merit were well known, and presented himself for consecration to the Right Rev. Dr. Charles Walmsley, Bishop of Rama, senior Vicar Apostolical of the Catholic religion in this kingdom. By invitation of Thomas Weld, Esq., the consecration of the new Bishop was performed during a solemn high mass in the elegant chapel at Lullworth Castle, on Sunday, the 15th day of August, 1790, being the feast of the Assumption of the Blessed Virgin Mary, and the munificence of that gentleman omitted no circumstance which could possibly add dignity to so venerable a ceremony. The two Prelates were attended by their respective assistant priests and acolytes, according to the rubric of the Roman Pontifical, etc."—*Ib.*, pp. 3, 4.

Referring to this event among others, in commenting upon the frequent occurrence in the Roman practice of consecration by a single Bishop, Palmer remarks :

"Dr. John Carroll, the first titular Bishop of Baltimore in America, from whom the whole Romish hierarchy of the United States derive their Orders, was consecrated by the same Dr. Walmsley at Lull-

It must be allowed, however, that the question of priority of occupation is not the only, nor indeed the really controlling, question in regard to the jurisdiction claimed. It is entirely understood that however it may be convenient to claim a priority of occupation for the adherents of the Papacy, yet that claim is a mere incident to the general repudiation of all mission on the part of the Anglican Episcopate, even if the actual validity of its consecrations be admitted; nor would the Romans any more regard the Anglican Episcopate than would the Anglicans, under similar conditions, regard the so-called Episcopate of the Methodists. The question, therefore, that lies back of the question of jurisdiction by reason of possession of particular sees, is the question of mission in its wider sense, as involving the lawful right to use the power of order at all; the controversy in regard to which is not affected by the conditions of residence in this country, but has been always waged in England as well as here. On the Roman side, the Anglican mission is denied on various grounds which must be separately considered. On the Anglican side, the Roman mission has been repudiated not only on the ground of intrusion, but on the much broader ground that the Roman authority imposes sinful terms of Communion, and that a mission which empowers the ministry—even if that ministry be validly ordained—to require belief, as necessary to salvation, in doctrines new in the Church, and incapable of proof from Holy Scrip-

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worth, August 15, 1790. We have, indeed, no reason to think that Dr. Walmsley himself was consecrated by more than one Bishop. It seems as if the Roman Pontiffs had no difficulty in giving permission for such ordinations in foreign missions."—"Church of Christ," part vi., ch. xi., vol. ii., pp. 471–2, ed. 1839.

ture, putting these opinions of men upon the same ground as the Articles of the Catholic Creed, is no mission in the proper sense of that word, and is inherently incapable of sustaining jurisdiction in any place. This is the real question between the ministry of the Anglican and of the Roman Communion. On the part of the Roman Ministry the course pursued has always been that of aggression, involving the uncompromising requirement of absolute submission to the Roman jurisdiction wherever planted. On the part of the Anglican Ministry the course pursued has been that of self-defence; no disposition—at least until of late years—having been shown to carry out to its logical conclusion this principle of a Mission forfeited by the confusion of opinion with faith into one common tyranny. But the principle is sound and just. The Bishops of the Church of Christ are to be successors to the Apostles, not only in order, but also in faith. And if those who have received a valid succession of order have succeeded to a corrupt faith, and require of those who would be saved the same acceptance of questionable and new doctrines as of the undoubted Catholic verities, there is no mission of Christ which can sustain such requirements;* and whatever may be said in regard to the advisability of carrying the war into the camp of an enemy, there can be no question as to the right of defending the home.

To return, however, to the consideration of the general subject, mission and jurisdiction, in the broad and full sense of the words, mean the same thing; and in this sense they follow upon a valid ordination. Where the

* See the Creed of Pius IV., and the decrees of the Immaculate Conception and of Papal Infallibility. *Cf.* Percival's "Roman Schism," illustrated.

power of order is conferred, there is also conferred the general mission for the diffusing of the Gospel throughout the world. In this sense the Apostles possessed universal mission and jurisdiction; and in the like sense the Bishops, as successors of the Apostles, possess universal mission and jurisdiction. They have the power, and the right to exercise the power, which those to whom they are sent are bound to recognize, *provided* it is exercised in accordance with the canons of the Church and in the support of the faith of Christ. "Every Bishop has universal mission and jurisdiction by virtue of his integral share in the Apostolic office and commission conveyed to him by consecration. This being premised, the question of local mission and jurisdiction becomes comparatively an easy matter."*

The result of these distinctions seems, on the whole, to be this: valid consecration confers universal mission, which when lawfully localized confers jurisdiction in the limited sense. The case is well stated by Hooker (vii., xiv. 10): "There are but two main things observed in every ecclesiastical function: power to exercise the duty itself, and some charge of people whereon to exercise the same." Here the power is the power of order, and the charge of people is jurisdiction. The relation of order to jurisdiction is also happily illustrated by the following passage from Mason's "Consecration of English Bishops": † "When a Bishop is translated to another see, he doth not lose his former habitual power, no more than the sun doth lose his light when he passeth to the other hemisphere. When a Bishop of a smaller circuit

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* "Mission and Jurisdiction," by Rev. T. J. Bailey. C. C. Coll. Cambridge, p. 2.

† Lib. 4, Cap. i. *ad fin.*

is advanced to a greater, he getteth not a larger power, but a larger subject whereupon he may exercise his power. And when a Bishop is deposed, he is not absolutely deprived of his power, but the matter is taken away upon which his power should work."

The question of real difficulty in the matter of jurisdiction is how the charge of people, as Hooker expresses it; or the matter upon which power should work, as Mason puts it; or, in other words, the lawful localization of the universal mission, is determined.

"There are but three ways, laying aside the comparatively modern and positively extravagant claims of the Papacy, in which the jurisdiction of a Bishop can be established; viz., either by the assignment of the Bishops by whose consent he is consecrated, or by the choice of clergy and people, or by the sanction of the civil authority ruling over the district in which he is to be settled.

"In the earliest times those who conferred the Episcopal office assigned the district in which it was to be exercised;* and as this would be necessary in planting the Church among the heathen, so it would always be lawful where such assignment did not interfere with a previous settlement made by competent authority.

"In later times elections prevailed, sometimes by clergy or people, and sometimes by clergy and people together. And because this, in the times of the Roman Empire, led to turbulence, and in some sad cases to riot, and even bloodshed, the emperors seem to have taken to themselves the right to appoint to dioceses; and thus the right

* "For this cause left I thee in Crete, that thou shouldest set in order the things that are wanting, and ordain elders in every city, as I had appointed thee."—St. Paul's Epistle to Titus, i. 5.

came to be claimed and exercised generally in Christian countries by the civil authority." *

The idea of mission to a specified place being determined by those who had taken order for consecration, seems to have been very plainly recognized in the thirty-sixth of the Apostolic Canons, where it is provided that if the people of a place for which a Bishop should have been consecrated should refuse to receive him, the Presbyters should be suspended for not having better taught them their duty.†

In the Church of England there is (formally) a combination of the two later modes of election and appointment by the civil authority. There is an election by the Chapter of the Cathedral of a vacant diocese, but not until the chapter has received from the Crown the *congé d'eslire*, or leave to elect, that permission being accompanied with a letter missive specifying the person whom they are permitted to elect.

In the American Church there is an election, in the manner prescribed by the Convention of the vacant diocese, composed of clergy and laity,‡ coupled with the requirement of the consent of the representatives of the other dioceses, as well as of the House of Bishops.§

These are but instances. "It is manifest," says Archbishop Potter, after a discussion of the subject, "that

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* Sermon on the one hundredth anniversary of the *election* of Bishop Seabury, Feast of the Annunciation, 1883, by W. J. Seabury. *Cf.* "A View of the Elections of Bishops in the Primitive Church," by a Presbyter of the Church of Scotland, Edinburgh, 1728—probably the learned Dr. Thomas Rattray, sometime Bishop of Dunkeld.

† Fulton's "Index Canonum," p. 91, ed. 1892.

‡ Constitution, art. iv.

§ Digest of Canons, Title I. Canon 19.

the consent of the metropolitan and the majority of the com-provincial Bishops was then (in the time of the Council of Nice) required to the appointment of any Bishop before he could be ordained. And in the following ages, when the popular elections of Bishops occasioned tumults which sometimes ended not without open acts of violence and even bloodshed, to remedy this inconvenience, in some places the clergy, in others the emperors, named the Bishops. From all which together we may conclude that the power of appointing Bishops and Church officers to exercise their functions in particular districts is a thing of a mixed nature, and has never been wholly and constantly appropriated to any one sort of men, whether clergy or laity, but was lodged sometimes in one hand, and sometimes in another, as the times and other circumstances would best bear." *

It is always to be remembered, however, that whatever circumstances may concur to determine the field of work, the whole authority comes from the Church. A Bishop may be elected by the clergy and people of a diocese, or appointed thereto by the civil authority, but neither from this election nor appointment does his spiritual jurisdiction proceed. That election or appointment merely designates the field in which the Church gives the Bishop authority to minister. Therefore, in addition to election or appointment, or their equivalents, there is necessary some authoritative act of the Church, expressive of the approval of the Church. The ordination of a Bishop to a diocese to which he had been elected or appointed would, in the absence of any legal provision to the contrary, be sufficient to express that approval. But in

* "Discourse on Church Government," ch. v. pt. iv., *ad fin.*

later times this is generally expressed in a distinct proceeding ; as in England, after the process of election, there is a process called confirmation, by which that election is ratified by the ecclesiastical authority.* This process is directed by statute, but at the same time has an authority independent of Parliament, being both by common and canon law the rightful act of the Archbishop of each province.† After the election is duly confirmed, consecration confers the full jurisdiction.

The jurisdiction of a Bishop elect and confirmed, but not yet consecrated, is, in the English system, that which relates to the management of diocesan affairs, and which, *sede vacante*, resides in the Chapter.‡ In the American system, though there is by canonical provision a process analogous to confirmation,§ yet it confers no jurisdiction. Jurisdiction over diocesan affairs *sede vacante* belongs, in that system, to some extent, to the Standing Committees which are elected from year to year by the diocesan conventions, and which are in this respect somewhat analogous to the English Chapters. But such jurisdiction exists only because, and in so far as, the canons confer it ; although it continues up to the time of the consecration of the Bishop-elect.‖ When the Cathedral system is fully reëstablished and reorganized in the several dioceses, it may perhaps be found convenient to associate this kind of jurisdiction with that system ; but in the meantime it canonically belongs, under canonical limitations, to the Standing Committees.

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* Hook's "Church Dictionary," title, *Confirmation*.

† Gilson's "Codex," i. 128 n.

‡ Bailey, "Jurisdiction and Mission," pp. 19–21.

§ Digest, Title I. Canon 19.

‖ Digest, Title III. Canon 2, § iii.

Episcopal jurisdiction, strictly so called, or spiritual jurisdiction, is not received until the election thus ratified is followed by consecration. So that in fact spiritual jurisdiction is conferred by the Church in Ordination, whatever circumstances may concur to determine the field within which it is to be exercised. And this authority still flows from the Church, although, in circumstances accepted and allowed by the Church, the field or diocese should be changed by translation or other process.

This spiritual jurisdiction is to be carefully distinguished from coercive jurisdiction. The spiritual jurisdiction is only *in foro conscientiae*. The Bishop rules in right of his office only by the conscience of his subjects, and not by force. But if the civil power add its authority to his appointment to a special field, he has there also a jurisdiction *in foro contentioso*, even over the unwilling; and rules, according to the extent to which the civil authority supports him, by the power of the civil arm.*

The Bishops of the Church of England have by their office and station at different times exercised various powers which they received from the civil authority, but which were for that reason not properly Episcopal but really civil powers, intrusted to them by the State for State purposes. Their successors in the United States have neither had nor needed such additions. The purely spiritual jurisdiction is all that they possess or claim. They rule by the conscience of their subjects, and not by force; but in a case where force was necessary to the due effect of a sentence which the Bishop had a right to render, and which was essential to the well being of the

* On the history and limits of the Bishops' temporal jurisdiction in England, see Hook's "Church Dictionary," title, *Jurisdiction*.

Church, it is presumed that recourse might be had to the civil courts. Any aid which might be granted in such a case, however, would be purely the result of the exercise of the civil or temporal power, and would be granted merely on the principle that the civil authority would secure the just rights of any society which by the laws of the country was entitled to exist within its limits.

And to view the matter from the opposite point, the exercise of Episcopal jurisdiction in the way of discipline must always take into account the privilege possessed by individual members of the Church to resort to the civil courts for the protection of civil rights impaired by such discipline. So with regard to the tenure of property by the Church, and the preservation of trusts and endowments for Church purposes, the ecclesiastical authority does not extend to the independent determination of the rights involved, but such rights are determined entirely by the laws of the State as applied by judicial tribunals, though in some cases the statutes require the consent of the authorities of the Church in order to the disposition of property held in trust for Church purposes.

It is evident that in the application of the distinction between the properly Episcopal spiritual jurisdiction and the properly civil coercive jurisdiction many complicated cases and questions may arise. It involves, after all, the issue between the Church and the State, which has been contested with alternate encroachments on one side or the other ever since the Roman emperors embraced Christianity. There are, however, certain principles the observance of which must greatly facilitate the proper disposition of particular cases which appear to involve such complication, at least so far as the Church in the United States is concerned. In the first place it is to be

observed that the Church is regarded by the laws of this country as a purely voluntary association, consisting of men who combine themselves together for religious purposes. Their right so to combine themselves results generally from the liberty of association among men for any purpose not contrary to law, and particularly from the constitutional provisions which withdraw from the legislative authority the power to make laws concerning the establishment of religion or restraining the freedom of the conscience. So long as these associations confine themselves to the exercise of religion and do not make their profession of religion a cover for immorality or licentiousness, the State has nothing whatever to say to them.

When, however, these associations desire to acquire property, it is manifest that property held by them must be subject to the same rule as property held by associations for other than religious purposes, or by individuals. The State then takes notice of such associations and prescribes the rules by which their members may incorporate themselves into particular societies having the right to hold and use property.

But such corporations are in general associated not only together among themselves, but also with others of a larger division or group professing religion in the same way and on the same principles; hence the property which they acquire is not merely to be disposed of for the use of the corporators, but is regarded as a trust for the preservation of those principles and the perpetuation of a certain mode of worship. The State, therefore, takes notice of the use which such corporations make of their property, and its laws are a check upon the alienation of that property for purposes foreign to the trust.

This principle involves the right of judicial tribunals to determine whether in a particular case the use of property conforms to the purposes for which it has been acquired, and this involves the right of determining judicially what those principles and rules are to which conformity is due. Whether the faith and order of the Church have been observed in a particular case by a corporation or a minister, is a question of fact, and in order to the decision of it the court must determine, as a matter of fact, what that faith and order are. But the decision, obviously, is not an attempt on the part of the civil authority to prescribe what that faith and order ought to be, but a determination of the fact whether in a certain case they have been duly observed.

The same jurisdiction which the State exercises in regard to the proper discharge of a trust is also exercised in the protection of individual rights growing out of membership or office in a Church. With the mere rights of membership or office in an ecclesiastical society the State does not concern itself, leaving to such societies the power to establish their own laws, and maintain their own usages, and prescribe their own terms of admission to membership or office, or the conditions of the continued tenure of either. But in so far as such relations involve rights of property, or subsistence, or reputation, the State is concerned; and the individual who has by the action of ecclesiastical authorities been injured in his civil rights will be sustained in his resort to the civil courts for redress. This is not on the ground that the State has jurisdiction over the Church, but on the ground that it has jurisdiction to maintain the civil rights of its citizens as well when they are members of the Church as when they are not.

When a clergyman, for example, is sentenced to suspension or deposition from office, that sentence involves his deprivation of means of subsistence, as well as damage to his reputation. If the sentence is unjustly given, the courts will not uphold it, and will afford redress. But in determining the question of justice or injustice in such a sentence, the courts will not consider the case abstractly on its merits, but only with particular view to the right of the ecclesiastical court under the laws of its own body to pass such sentence. This proceeds upon the theory that the tenure of office in the society implies a contract with that society to deal with its officers according to its laws. If those laws have been observed by which the man has consented to be bound, he has nothing to complain of. If they have been contravened, his contract has not been fulfilled, and the injured person has ground of civil action.

"The true principle," says a great master,* "seems to be this, that when a man has once been recognized by any ecclesiastical body as one of its ministers, he cannot be arbitrarily dismissed, to the injury of his civil rights. He may be dismissed with his own consent, or he may be dismissed according to the laws of the body to which he belongs; that is, he may be dismissed with his absolute consent or with his conditional consent. For, by accepting the position, he has given his consent to the laws which regulate that position, and consequently to his own removal according to those laws. He has, nevertheless, a right to call on the civil tribunals to inquire whether those laws have been observed. But

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* Dr. Hugh Davey Evans, of Maryland, quoted by Rev. Dr. Hall Harrison in a very valuable pamphlet discussing this question (1879).

they are not to try the case over again, or to act as courts of appeal from the decision of the ecclesiastical court. The duty of the civil court is to see that the ecclesiastical court had, according to the ecclesiastical laws, jurisdiction over the case, and proceeded fairly according to those laws. These are the principles upon which American courts have generally acted. They were fully recognized by the courts of the State of New York, in the case of Walker against Wainwright, which was the most remarkable one connected with this subject that has occurred in America."*

* The New York case of Walker *v.* Wainwright, above cited, is reported 16 Barbour, 486; *cf.* also the case of Chase *v.* Cheney, 58 Illinois. The student will find some intelligent observations on the relations of Church and State in the American system, by Dr. H. von Holst, in his work on "The Constitutional Law of the United States of America," Mason's edition, Chicago, 1887, pp. 314–321.

PROPOSITION XX.

The principle that the supreme power of the Apostolic or Episcopal Office is to be exercised with due regard to the inferior members of the Body of Christ, sanctions the institution and development of systems of Polity in particular Churches and under peculiar circumstances, whereby a certain kind and degree of authority are vested in the body governed.

Besides those powers which belong to the Church as a spiritual society, there are others which belong to it as a society of men. The former powers are wholly lodged in the Ministry, and primarily in the Episcopate.* They are exercised for the salvation of souls, and though their exercise implies a coöperating consent in the persons upon whom they are brought to bear—as do all the gifts of Divine grace to the individual—yet they are not lodged in those for whose benefit they are designed, but are ministered to them by those who hold them in trust for that purpose.

The latter powers partake more of the nature of those of the civil government, and relate to the management of the temporal interests of the Church as a society. The relation of the body to the State in which it dwells; the acquisition and regulation of property; the conduct of its

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* The powers of the Church enumerated by Archbishop Potter are the Powers of Preaching, of Prayer, of Baptizing, of Confirmation, of Consecrating the Eucharist, of Ordaining, of Making Canons, of Jurisdiction, and of Receiving Maintenance; the consideration of these powers forms the topic of the fifth chapter of his discourse on "Church Government."

members in respect to matters not provided for by Divine law, furnish occasion for the exercise of powers of government not essentially of a spiritual nature. Yet these powers being necessary to the government of the Church as a society, and the Church being by Divine appointment a society with a regular order of governors, it follows that these powers, as well as those purely spiritual, originally pertained to that order of governors.

This kind of power partakes also of the nature of civil power in the mode of its exercise; being in so far compulsory as to subject those who disobey these temporal regulations to the deprivation of such temporal privileges as may be incident to membership in the Church. And the exercise of this kind of power implies the consent of the governed at least so far as this, that no man can be compelled to continue his active membership in the Church against his will. As long, however, as such membership continues, so long the obligation to obedience continues.

The power of making laws, and the power of declaring and enforcing or executing laws, are powers of the Church lodged primarily in the Episcopate; but in different times and places they have been to a greater or less degree ceded to the body governed, or recognized and allowed in certain members of it, so that their exercise is shared between the Bishops and the inferior clergy, and sometimes also with representatives of the laity.

Very early the precedent was established of formulating certain principles upon which government should henceforth be administered; *e.g.*, the rules adopted in the council of Acts xv., limiting the exactions to be made of Gentile converts. The ancient canons, too, adopted

by Episcopal action, largely limit the exercise of Episcopal authority; so that these canons not only impose duties upon the governed, but also serve as the charter of rights granted to them. Nor can we imagine the exercise of the imperial power upon the affairs of the Church, and of the royal power which in the breaking up of the Empire succeeded toit, to have been recognized and allowed by the Episcopate as emanating from a source exterior to the Church; but rather as proceeding from within, being the expression of the will of those who, although rulers in the State, were yet, in theory at least, on general principles, subordinate members of the Church. The expression of this will has throughout subsequent history, and notably in the Church of England, been the exponent of the influence of the lay element, or body of the Church, as distinguished from its successive Episcopal rulers.* And when, in the course of Divine Providence, the civil authority in the United States, laying aside all semblance of royalty, laid aside also what had among all Christian nations before been regarded as a duty on the part of Christian princes—to use the power which they held in trust for the people, in influencing the management of affairs for the Church—and took a position altogether external to the Church, it is not remarkable, but altogether what might have been expected, that the body of the people within the Church should speak for themselves in regard to such affairs. Nor is there anything more unchurchly or unbecoming in the deference and consideration shown by the authorities of the Church to its subordinate mem-

* The student will find valuable thoughts in this connection in the preface to Dr. Samuel Seabury's "Continuity of the Church of England."

bers under these republican circumstances, than under the circumstances of imperialism and royalty.

To recognize and formulate certain principles of government; to provide checks to prevent rulers from disregarding these principles; to require the proposal of measures before they can be insisted on; to arrange methods of representation as means of obtaining consent of large numbers of men—are legitimate exercises of human policy. And when these measures are reduced to a system by customary administration or by legislative action, they affect the polity of the particular Churches in which they are adopted. So that the government of the rulers of these Churches must be exercised in certain methods, and with certain restictrions, which are indeed of human and not of Divine authority, but which, nevertheless, rest upon sound principles of policy and morals, and which cannot consistently with good faith be disregarded.

Thus the possession of powers of government in the Church by others than its Divinely appointed governors may be accounted for, and to some extent sustained, by the principle that the government of the Church should be by love and consent, rather than arbitrary and coercive. To expect the consent of individuals to measures of individual discipline would of course be visionary and absurd. But to procure the consent of the body to general rules which shall be applicable to each individual is practicable, and moreover wise, as insuring the moral support of the whole body to the lawful requirements of its governors.

This is the essential idea of constitutional liberty, the glory and blessing of modern civilization, so far as civil government is concerned; and for the effective applica-

tion of this idea, modern civilization is largely indebted to the Christian Church.

It is obvious, however, that the distribution of power which results from the application of this idea, may sometimes be carried too far; and the inherent and inalienable powers of the Ministry, as to matters purely spiritual, may be seriously hindered in their exercise, if not usurped, by those who are properly the objects of those powers. Moreover, it is possible that the effectiveness of the government of the Church, even over its temporalities, may be marred by too wide a divergence from the simplicity of the original institution of Church government, which, however republican in regard to the Church as a whole, is yet, in its original diocesan aspect, monarchical; though it may be remarked, in passing, that the republican aspect of the Church on earth, as a whole, results only from the invisibility of its Divine Head. Viewed in connection with Him, it still appears as the KINGDOM.

In view of the tendency in the United States to the subordination of the diocesan to the congregational idea of government, and to the relegation of the Bishops to the position of mere executives of conventional law, it has been thought—and possibly may be admitted—that the Church has somewhat suffered by too much concession to the principle of government by consent, and the too extensive distribution of power resulting therefrom. Nevertheless, the purpose of the system having been from the beginning the blessing of a "free, valid, and purely ecclesiastical Episcopacy," which should be able in the exercise of its spiritual powers to impart the treasures of grace and truth to the members of Christ, without temptation to encroach in any respect upon their Christian liberty—from which temptation it must be con-

fessed that some of the successors of the Apostles had not hitherto been wholly exempt—and the advantage of the system having been so great as it has been, in respect of the benefit to its counsels from the practical wisdom of the laity, and the reservation to the Episcopate of the ultimate voice upon all authoritative action, it would be unreasonable to expect to enjoy such privilege without some corresponding disadvantage. *Omnis commoditas sua fert incommoda secum.*

Even a true theory, moreover, cannot be worked without regard to fact; and the participation on the part of the body governed in the power of the governors is in this instance a fact, and one which cannot be changed by any individual or party action. Every Bishop must administer his office not only on the principle of its inherent powers, but also under the limitations of such concessions as are involved in acceptance of office under expressed and settled conditions, so long as these concessions lie within the range of expediency, and do not contravene the Divine will. Such changes as may be needed in the administration of the government of the Church must be brought about by the gradual process of educating the body of the Church to a return to more churchly ideas, rather than by the revolutionary process of applying to modern cases the requirements and penalties of the stricter discipline of primitive times.

PROPOSITION XXI.

The gift of the same powers, for the same purposes, to the several incumbents of the Apostolic office, involves the principle of federation among equals for mutual counsel and coöperation in the government of the Church in their respective spheres.

If the authority of the Apostolic office be lodged in the whole number of its incumbents without discrimination or preference, each one has his undivided equal share of that authority; according to the famous maxim of Cyprian: *Episcopatus unus est, cujus a singulis in solidum pars tenetur.*

But if each one has his undivided equal share of the whole authority, it must follow that the common expression of that authority involves the federation or agreement of each one with the others in order to that expression.

With respect to his fellow Bishops, the individual cannot use his undivided share of authority as equivalent to the whole. In his individual sphere he acts alone, as representing the whole authority in that sphere; but in the expression or determination of limitations, or qualifications of that authority, or in the definition of the faith in common received, and to be in common witnessed to and guarded, and by each one imparted and administered, the consent or agreement of the individual with others, or his acceptance of the consent or agreement of others, involves his union with them in a common league or federation, the object of which is mutual counsel and coöperation, and in which each one is under obligation

to contribute his own judgment and will, and to accept the judgment and will of the whole body.*

If we suppose a number of individuals, each one possessed within his own sphere of a sovereign power of supreme government, acting as one body in mutual counsel and coöperation for the benefit of all, we recognize in such joint or common action a league or federation between the members of the body. It may, or may not, be that these individual rulers are under obligation, of one kind or another, to associate themselves together for common action. The fact that they have the power to act individually, and that they do voluntarily act together, is what constitutes their federation. It is true that Christ's commission imposes an obligation upon the Bishops to act in common, but, inasmuch as the nature of their authority is such as to presuppose the power of individual action in direct responsibility to Christ alone, the common action can only be by consent and voluntary agreement, which is federation. Every individual Bishop holding an entire share of the power of his order is *able* to exercise it independently of all others similarly com-

* The observation of the learned Bishop Beveridge as to what is to be taken as the voice of the Church Universal, would equally apply to the voice of the united Episcopate either as a whole, or in such groups as might act together in any portion of the Church—"In omnibus enim societatibus, qualis est ecclesia, pars major præjudicat minori, et jus integri obtinere solet. *Quod major pars curiæ*, inquit jus civile, *efficit, pro eo habetur ac si omnes egerint.* Imo quidem haec inter communes juris illius regulas habetur. Refertur ad universos, quod publice fit per majorem partem. Quod itaque vel a majori parte statuitur, aut affirmatur, illud ecclesiæ universali jure adscribendum est: multo magis quod conjunctis omnium vel pene omnium testimoniis munitur."—BEVERIDGE, *Codex Canonum*, etc., Prœmium iv.

missioned; and if he waive this ability in deference to the will of Christ, and act only in conjunction with the others, the action is voluntary, and the common action of all similarly situated has an essentially federate character. "It remains now," said Cyprian, after proposing a case for the consideration of a council of Bishops over which he was presiding, "that every one of us speak his own sense of this matter, neither judging any man, nor rejecting him from our communion for dissenting from us, for none of us does make himself a Bishop of Bishops, or force his colleagues to a necessity of complying with him by any tyrannical terror, since every Bishop has full power to determine for himself, and can no more be judged by others than he can judge them. But let us all wait for the judgment of our Lord Jesus Christ, who alone has power to make us governors of His Church, and to call us to account for our administration."* An exhortation which plainly discloses such a conception of the joint or common action of the Episcopate as implies the agreement or consent of its individual members; there being, as the same venerable Father expressed it on another occasion, "One Episcopacy diffused in many Bishops *agreeing* with one another." †

The importance of this consideration to a correct understanding of the relation of the individual Bishop to the Episcopate of which he is a member, is very great. The subject is sometimes treated as if the individual Bishop were to be regarded as deriving his authority from the Episcopate; or, to put it in other words, as if

* Concil. Carthag., *inter opera* Cypr., p. 158. Cited by Potter, p. 185, "Church Government," ed. 1753.

† "Episcopatus unus, Episcoporum multorum concordi numerositate diffusus."—Ep. lv. Cited by Potter, p. 406.

Christ constituted the college, and the college constituted its successive members. Yet so to speak involves the gravest misconception, and leads to serious confusion in the understanding of many dependent questions. The Episcopate is indeed one, diffused in many members throughout the world. But the unity consists in the gift to each member of the powers of the same office; and every incumbent of that office holds its whole power in trust for the fulfilment of the will of Christ in perpetuity—that is, with the power of transmitting this trust to successors of his own appointment. The independent exercise of this power by one incumbent in opposition to the rest, would be manifestly contrary to the terms of the joint commission, and would mar the unity in which the office was established; and the Church, carrying out the terms of this commission, has always repudiated such individualism. But the Episcopate is, nevertheless, constituted by the powers conferred upon its members; and the subordination of the individual to the body is due, not to a power conferred upon the body to rule the members, but to the fact that the same power conferred upon all the members of the same body for the same purpose, implies, in matters requiring it, their united action—which depends upon their consent.*

Clearly in accord with this view is the evidence af-

* The Rev. Dr. Wilson, in his learned and thoughtful essay on "The Provincial System" (pp. 71–73), understands the passage, St. Matt. xviii. 19, 20, to refer to matters of official power and determination, regarding the words as spoken to the Apostles, and not generally to the body of the faithful. There is the strongest probability that this interpretation is correct. Dr. Wilson applies the passage so interpreted to the provincial system, regarding it as the charter of that system. And if by this is intended the settlement by the Divine

forded by the Scriptures that original incumbents of this office acted upon the principle that each one in his own sphere was the exponent of its whole power, even to the extent of perpetuation. Certainly such was the case with St. Paul; and, so far as the nature of his authority is concerned, he is not to be distinguished from the other Apostles. And although the tacit assent of the college to their actions is to be presumed, yet nothing shows that they derived from it the authority to exercise the power of their office, or needed to have recourse to it, except in the way of counsel and determination of matters of doubt; the decision being reached, in the case most particularly recorded, after much disputation and free expression.* There is one instance recorded in which two Apostles are sent by the college on a special mission; † which implies, indeed, the subordination of the individual to the college, but by no means excludes the idea of agreement or consent in order to the determination of common action; nor do the other instances of the action of the body, as a whole, exclude this idea; ‡ but they do, on the other hand, manifestly presuppose it.

And if we may take ecclesiastical tradition and history into account, which is the more allowable because the Scriptures are silent in regard to the greater number of the Apostles, we find increased evidence of this inde-

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Founder of the principle of association among the incumbents of the Apostolic Office—and further it would seem impossible, in any view, to press it—the application must be admitted to be rightly made. It is, in the present connection, proper to note that the principle of association, as stated by our Lord, is that of agreement. "If two of you shall *agree*," etc.

* Acts, xv. † Acts, viii. 14. ‡ Acts, i. 15–26, vi. 1–7.

pendent exercise of official power; insomuch that the conviction deepens, that the intent of the Founder of the system was that each one whom He commissioned should be to the Church which he in his place should establish, what Christ in His place had been to the Church over which He Himself had presided — that being the pattern of all the others; and that the Church as a whole should thus be constituted—not out of the mass of His disciples throughout the world, called together and ruled by one imperial power mediating between the Head Invisible and the Apostles whom He had commissioned, but of a combination of many Churches, each one complete in itself, and governed by its own Apostle, who, exercising in his own sphere the supreme authority which he had received from Christ, deferred to the college; not because he derived authority from it, but on the principle of unity, and because it was involved in the common possession of the same power for the same purpose that the judgment of one should, in matters requiring counsel and coöperation, be subordinate to the judgment of the whole. With this conception, we get an insight into the primitive view of the Episcopate, indicated by the familiar quotations from Ignatius, such as that exhorting the faithful to regard the Bishop as in the place of God, and the Presbyters as in the room of the Apostles, which upon any other theory we shall miss.

And it is certainly very significant to observe, in this connection, that in the history of the Church a very considerable period elapses between the facts recorded in the Scriptures from which we justly infer the subordination of the individual to the college, and facts which indicate a recognition on the part of their successors in

office of a similar subordination. Considering the special presence of the Holy Ghost with the first Apostles, and the greater need which their successors might be supposed to have for dependence upon their brethren, it is remarkable that the association of Bishops in the way of councils, in which the authority of the individual was subordinated to that of his brethren in the same office, does not at once appear. It may, perhaps, be accounted for by the unsettled state of their times, making such gatherings inconvenient; and their proximity to the tradition of the Apostles might make these early Bishops feel the need of mutual counsel and cooperation with each other, less than they felt the need, each one in his own diocese, of the counsel and cooperation of those who were intrusted to their care. But however this may have been, the fact is that the first synods after the Apostles had passed away, and the only synods for many years afterward, were diocesan. These consisted of the Bishop of the diocese, with a certain number of his Presbyters, designated by him or elected by the body of the clergy as their representatives.

"Each diocese, therefore," as Lathbury remarks in his "History of Convocation," "in early times was independent, the Bishop and his council managing its affairs, subject, of course, to the Word of God and to the discipline established by the Apostles. The decisions of diocesan synods were obligatory on all within the boundaries of the diocese, having the force of ecclesiastical laws; nor did any other councils exist for many years after the first establishment of the Christian Church." *

* Lathbury, "Hist. Con.," pp. 6, 7. *Cf.* also Kennett, "Eccl Synods."

"Touching the next point, how bishops together with presbyters

The individual Bishop, then, being independent in his own sphere, subject only to the common rule of faith and order, it may be presumed that if each one had been infallible, or supplied as the first Apostles were with the special guidance and direction of the Holy Spirit, he would certainly need no other recourse to external authority than the Apostles themselves had recognized in their own case. But the absence of such inerrancy would necessarily produce differences as to the just requirements of the common faith and order; and doubtful

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have used to govern the Churches which were under them; it is by Zonaras somewhat plainly and at large declared, that the bishop had his seat on high in the Church above the residue which were present; that a number of presbyters did always there assist him; and that in the oversight of the people, these presbyters were after a sort the bishop's coadjutors. The bishop and presbyters, who together with him governed the Church, are for the most part by Ignatius jointly mentioned. In the epistle to them of Trallis, he saith of presbyters that they are *σύμβουλοι καὶ συνέδρευται του ἐπισκόπου* (counsellors and assistants of the bishop)."—HOOKER, Book VII., ch. vii. 1.

"The presbyters," says Bingham, "were considered as a sort of Ecclesiastical Senate, or council to the bishop, who scarce did anything of great weight and moment without asking their advice, and taking their consent to give the greater power and authority to all public acts done in the name of the Church. Upon which account St. Chrysostom and Synesius style them the Court or Sanhedrim of the presbyters; and Cyprian, the sacred and venerable bench of the clergy; St. Jerome and others, the Church's Senate, and the Senate of Christ; Origen, and the author of the 'Constitutions,' the bishop's counsellors and the Council of the Church; because, though the bishop was prince and head of this Ecclesiastical Senate, and nothing could regularly be done without him, yet neither did he ordinarily do any public act relating to government or discipline of the Church without their advice and assistance."—*Christian Antiq.*, Book II., ch. xix. 7.

questions, such as reached beyond single dioceses—affecting perhaps the whole Church, as in the case of heresies—would naturally make the need of such external authority more and more sensibly felt as time proceeded.

But in the endeavor to make, or to discover, the provision proper to such need, it is worth while to remember that these early Bishops were embarrassed by none of the theories which in later times have distressed, if not the Church, at least the student of Church polity. The civil authority, when it was not persecuting them, despised and neglected them ; and, of course, with all their consciousness of the duty, saving their allegiance to Christ, of obedience to the existing powers, they would never think of finding in them the supply of their need of an external and impartial authority. They were innocent of Papacy and Vicarage of Christ as the sole right of any one Bishop,* nor had they learned that the charge to St. Peter to feed his Master's sheep was a commission to feed His shepherds—much less to fleece and flay them. Nor is there room for any serious doubt of their being equally unconscious of a collegiate theory which conceives of the individual Bishop as the mere agent and deputy of the Episcopate ; and which, because the Catholic canons for the best of reasons required a plurality of consecrators, can form no idea of a perfect Church except as comprising Bishops enough to comply with the canonical requirement.

Nor should one omit to take into account the obvious historical fact that the provincial system, with its precise and far-reaching regulation of the relation of the indi-

* Every Bishop was anciently called Papa, Father, or Pope : so also they were all called Vicars of Christ. Bingham, "Christian Antiquities," Book II., ch. ii., §§ 7, 10.

vidual Bishop to his brother Bishops had not yet come into being.

Under these circumstances it would seem to be difficult for any one, who can put himself in the place of these men, to avoid the conviction that in the recourse of individual Bishops to the counsel and support of their brethren in the Episcopate, endued with the same powers and burdened with like cares and responsibilities, they simply adopted the most easy and effectual method of meeting the difficulties in which they found themselves, and one, also, for which a sufficient precedent and example was plainly furnished to them in the course pursued by their illustrious predecessors in office.* And it seems equally obvious, that, as their association with each other was entirely free and voluntary, and was the action of those who conceived of themselves, and were regarded by each other and by those of whom they had the oversight, as put in trust with a power of government which they held on their direct responsibility to Christ alone, they met as equals, the expression of whose common authority derived its force and effect from the common consent which produced and accepted it.

It is true, indeed, that the subsequent development of the provincial system brought with it the recognition of

* "Cum ipsis enim Apostolis ad determinandam istam, quæ in ecclesia recens nata exorta erat, de circumcisione et lege Mosaica Gentilibus imponenda, controversiam in synodo una convenire, et in ea Canonem sive ecclesiasticam de ista re legem sancire visum fuisset, hac iis præmonstrata via itum est ab omnibus ipsorum successoribus, sive episcopis, quibus ecclesiæ ulterius propagandæ regendæque cura commissa fuit. Si qua enim quæstio de fide Christiana, vel de externâ ecclesiæ politiâ rite instituendâ emersit, eam episcopi, Apostolorum more, in synodis congregati protinus determinare solebant."—BEVERIDGE, *Codex Canonum*, etc., Lib. I., cap. ii. p. 10. Ed. 1678.

distinctions between Bishops whereby for certain purposes one had precedence or primacy over others, and some again had a certain primacy, so to speak, over these primates. But, apart from the fact that such precedency involved no breach of the principle of equality in the substance of official authority, there was at the time in question nothing of this sort ; and this is notably evidenced by the provision made by the canons called Apostolical, against inconveniences which were naturally incident to a state of equality, and to obviate the dangers to unity which would be apt to result from such inconveniences. "It is necessary," says the Thirty-fourth Canon of this venerable collection, "that the Bishops of every nation should know him who is chief among them, and should recognize him as their head by doing nothing of great moment without his consent, and that each of them should do such things only as pertain to his own parish and the districts under him. And neither let him (who is chief) do anything without the consent of all, for thus shall there be unity of heart, and thus shall God be glorified through our Lord Jesus Christ, even the Father through the Lord in the Holy Ghost." *

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This collection, being assigned according to the best judgment to the end of the second or the beginning of the third century, gives, in the canon cited, very clear evidence that up to this period there were no recognized distinctions among Bishops, or, at least, that there was needed the settlement of some principle of precedency, the propriety of some distinction in order to the preservation of unity among equals having become manifest ;

* Fulton's "Index Canonum," p. 91.

and furnishes, moreover, a hint not altogether obscure, that association among Bishops which called for such distinction was not then unknown. It would be most natural to understand this as referring to meetings of Bishops in council, and as indicating that the Bishops had by this time learned to follow the Apostolic example in this respect. And of this the Thirty-seventh Canon furnishes clearer evidence.* And that these councils of Bishops, whenever, then or afterward, held, involved, within the range of the Episcopal representation, the subordination of the individual Bishop to the Episcopate so represented, and acting within the common rule of faith and order, is not to be denied. But such subordination was not that of a subject to his sovereign, but that of one sovereign to a federation of sovereigns.

It is to be repeated, that the gift of the same powers for the same purposes to all the incumbents of an office, involves the entire and equal authority of each, and that neither derives authority from the combination of all, but that the combination, in so far as it may exist, has its joint authority in matters requiring counsel and coöperation, from the consent and acceptance of those who compose it.

If the case be otherwise, and if there was established by Christ an authority in the Council, to be exercised by right of inherent sovereignty over its individual members, it would be an authority external in the sense of being superior to the commission to the Apostles, and would require to be established by such proof as we would demand in order to the admission of the overruling power of the civil magistrate in spiritual concerns, or of the supremacy of

* Fulton's "Index Canonum," p. 91.

some individual vicar of Christ; and the proof would need, moreover, to establish the right of some fewer number of Bishops to act on occasion in the place of the whole number, or as a substitute for this when the whole number was not to be had: for unless this could be proved there would be, to say the least, a singular discrepancy between the will of Christ for the government of His Church, and the facts of history; since there is no instance in history in which this body of the Episcopate has emerged to assert its authority over its individual members since the time of the Apostles. Numerous councils there have indeed been, and profound and lasting are the obligations of the Church to many of them; but that any of these, even those called General, and to which we owe the greatest reverence, comprised the whole of the existing Episcopate, is what probably no one will affirm, and the only ground upon which this imperfect portion of the Episcopate can be recognized as having the authority of the whole is that its action has been assented to and accepted by those who were not present with it, which plainly indicates the nature of the obligation imposed.

What is, in fact, true, is that the Bishops of the Church, recognizing, in the free agency of their responsibility to Christ, their need of mutual counsel and coöperation for the better discharge of that authority with which they were all equally intrusted, have, from time to time, associated themselves with their brethren, in greater or less numbers, within wider or narrower limits, and have accepted the determinations of such associations as imposing an obligation upon them in the regulation of their own government in their several spheres. It remains, then, that we accept the authority of councils according

to their range and extent, as based upon the federal consent and agreement of those who compose them, or who, being within the scope of their united jurisdiction, accept them as in accordance with the fundamental laws of Christ's kingdom.

It would, however, be leaving this discussion seriously incomplete in view of modern developments if we failed to take into account the proportion or analogy between the relation of the individual Bishop to the Episcopate, and the relation of the Diocese to the Church. The time has passed when we can say, as Bishop Beveridge, following Vincentius Lirinensis, puts it, that in the endeavor to ascertain the general voice or expressed judgment of the Church we need not inquire as to the laity, but only as to the Bishops, and, to some extent, as to the clergy also.* Whether it be due to the more general culture of modern times, or to the wider prevalence, in matters of civil interest, of the doctrine of the sovereignty of the people, or to whatever cause, the fact is that the laity

* "Etiamsi enim singulorum per omnes ætates Christianorum sententias nobis transmissas non habeamus, habemus tamen quod tantidem est. Primo etenim ubi de universali Ecclesiæ consensu loquimur, haud necesse est, ut ad plebis etiam sive Laicorum opiniones respiciamus; Illi enim ad judicium de doctrina aut disciplina Ecclesiæ ferendum nunquam admissi fuerunt; quippe quos pastorum suorum sententias in omnibus, ut par est, sequi, non præire semper præsumptum est. . . . Hinc itaque consensionem Ecclesiæ non e populo sed ex Episcopis eorum, e Magistris et Sacerdotibus petendam esse. Vincentius Lirinensis recte olim observavit. . . . Neque enim in omnibus quæ unquam de istiusmodi rebus celebrata sunt concilliis, quempiam e plebe decretis subscripsisse legimus, omnia vero per singulas ætates communia Ecclesiæ negotia per solos Episcopos et nonnullos subinde presbyteros, Episcoporum suorum loca tenentes in concilliis Congregatos transacta sunt."—BEVERIDGE, "Codex Canonum," etc., proemium iv.

are, and for a century or more have been, distinctly recognized as a factor in matters of ecclesiastical polity in a sense and to an extent never before known. In the American system this has been from the beginning formally and effectively provided for; and throughout the Anglican affiliation the influence of the idea of the association of the laity with the Bishops and clergy in all that concerns the welfare of the Church, not excluding a share in the responsibility of deliberative and legislative action, is increasingly prevalent. And the question of really serious and vital interest is not whether the influence of the laity in such action shall be admitted, but whether it is to be kept within the range of those principles of association and representation which are essentially characteristic of the influence of the Bishops and clergy in the system of the Church, or is to be rendered effective in other ways and on different principles of association, involving perhaps the preponderance of numerical majorities in large tracts, instead of the safeguard of concurrent majorities adjusted to Episcopal and clerical representative action in more compact districts.

The principle which should rule all such questions, and the whole relation of the laity to the deliberative and legislative action of the clerical orders, is that their action must be, primarily at least, diocesan action; their relation to the Church at large being correspondent to that of their Bishops, and the Diocese, as a body, holding the same relation to the Church as a whole as the Bishop holds to the Episcopate.

In the analysis of the one Episcopate the single Bishop is the unit, because in him is vested the whole power of his order for the purpose for which it is instituted; and, by parity of reasoning, what the individual Bishop is to

the body of the Episcopate, that the individual Diocese is to the body of the Church. It is, upon analysis, the single element which, in combination with other like elements, constitutes the larger and more complex being of the same kind. The whole Church exists in model or element, so to speak, in the Diocese, which comprises the threefold order of the Ministry, and the laity, united in the faith and sacraments of Christ. No element or portion of the Diocese, and no subdivision of the Church less or more than, or different from, the Diocese, bears this relation to the Church as a whole; whereas in the Church as a whole there is nothing different from the Diocese in kind, but only in extent. The single unit is capable of extending itself indefinitely, supposing there should be necessity for such extension. If the whole Church throughout the world were extinct save one Diocese, the gates of hell should not prevail against it; for from that unit could be established another, and others, with the same threefold order, and the laity, united in the faith and sacraments of Christ. If this power were to be exercised without necessity, and contrary to the will of the rest of the body of which the unit is a part, there would be schism and confusion; and hence the canons and customs of the Church maintain the necessity of combined action, and the irregularity of fractious and individual action.

Viewing the analysis of the Church in its bearing on the question of representation in conciliary bodies, it may be quite proper, in a qualified sense, to regard the Province, or combination of Dioceses within some particular country, as a unit of representation in a larger combination of which it may form a part. In such case the relation of the Diocese would be mediately through

the Province to the more general division which comprised the Province, or to the whole Church. But whether mediately through the Province, or immediately and by direct representation, the Diocese would still be the unit of representation; nor does the kind of representation, whether by Bishops only, or by Bishops and clergy only, or by these with the laity, affect the analysis. In the ancient councils the Dioceses were not unrepresented because they did not elect delegates; they were represented by their Bishops, who sat in them, not, surely, to represent themselves; not to represent their order, because they were themselves, actually and not representatively, present; but to represent that portion of the work of Christ which had been committed to them —that is, their Dioceses. And in such conciliary bodies as admit the conjoint representation of the clergy and the laity, the Diocese is indeed represented in all its parts, instead of in one order only, but that does not show it incapable of having been represented in that one order. And although in synods of a larger or more universal character the immediate unit of representation may possibly—not necessarily—be the Province, yet the ultimate unit is always the Diocese, which is the thing represented, either directly and immediately, or mediately in the groups which, containing several Dioceses, may be represented as one Province in a larger division of the Church representative.

So that, whether we look at the Church as a whole, and acting as a whole, or in its larger divisions, we find it existing as a combination of Dioceses, the unity of the whole being but the unification of the units which compose it.

This analysis is complete and exact, and gives to the

whole system, and to the units of which it is composed, their proper functions and relations. But the same cannot be said of an analysis which finds the unit in the single parish or congregation, because it is not of the *same kind* with the larger being of which it is a member, and has none of its powers of perpetuation and continued life. Nor can it be said of an analysis which finds the ultimate unit in the province, because the province is not the *simplest form* of that kind; and the unit in any such analysis must be the simplest form of the same kind—the single element which, combined with other like elements, produces the larger and more complex being of the same kind. The Diocese only answers to this requirement in the analysis of the Church, as the Bishop only answers to it in the analysis of the Episcopate. We must therefore hold that what the Bishop is to the Episcopate, that the Diocese is to the Church.*

* *Cf.* "The System of Representation in General Convention," *The Church Eclectic*, New York, October, 1889.

PROPOSITION XXII.

The principle that the rulers and members of the Church owe allegiance to the State in which they are providentially placed, justifies the distribution of the Church representative into divisions corresponding to civil or political limits.

We have seen that the Church is capable of a certain lawful or constitutional division, resulting from its extension and perpetuation in a lawful and constitutional manner, which is not inconsistent with its essential unity.* If we have regard only to that union of the members of the Church with Christ and with each other which is purely spiritual, the Church is not capable of division or distribution in any sense, except as individuals may be differentiated from each other and from their common Head. The unity of the Church in this aspect is doubtless pervading and perpetual, and neither place nor time can affect it. But if we have regard to that moral, or social, or political union which exists between the members of the society or kingdom founded by Christ to be in the world though not of the world, and to be the sacrament, or outward and visible sign, of the spiritual unity of Christ with His members, and the effectual means of its accomplishment, it is impossible to conceive of the Church in this aspect as incapable of any manner of division or distribution. It must reside in the world; and that not merely in the world considered as the material receptacle of its visible and tangible members, but in the world considered as constituted of men, and of men of various social relations with each other. In other

* *Cf.* Prop. ix. pp. 48, 49, *ante.*

words, it pertains to the nature of the Church as a society that it should come into contact and have certain relations with men involved in other social relations, unless we will suppose that no other society than the Church is by the Divine Will to exist on the earth. But we find in the charter of the Church's institution no exclusive right of existence, nor do we find that all the interests of men in their relations with each other on this earth are committed to its regulation. It has, indeed, the Divine mission to lead and influence men in all relations of life; but this is by way of imparting to those who hold such relations the knowledge and the grace needful for the right discharge of their duty therein, and not by way of removing such relations and substituting others for them. There are, as we have seen, other institutions which share with the Church the warrant of Divine authority and imposition, and which, within their respective spheres, have the right to exercise the authority and influence entrusted to them, just as the Church within its sphere has an authority and influence peculiar to itself. It is therefore necessary that the Church should come in contact with these other Divine institutions; and such contact involves the recognition, on the part of the Church, of the rights which belong to such institutions by the same authority to which it traces its own rights. Inasmuch as the State, abiding in the world as an institution of Divine authority, exists throughout the world in various political divisions, it is necessary that the Church should come into contact with the State not merely in the general, but in those particular political divisions into which it is distributed.

And since the general diffusion of the Church, and the corresponding extent of its membership, precludes the

possibility of individual assent in matters of legislation, and yet laws are presumed to be expressive of common consent, it follows that there must be in the Church, as well as in the State, provision for the expression of this consent by those who are capable of representing it; and the form and manner of this representation will naturally correspond to the form and manner of representation for similar purposes in matters of civil interest.

If the kingdoms of this world were under one universal dominion, it would be easy to imagine the Church throughout its whole extent under one similar visible regulation. But the kingdoms and states of this world being many and diverse, it is natural that the Church extended among them should partake of their various characteristics in the regulation of its external affairs, and yet not be affected in the tenure and administration of its essential and distinctive principles. Certainly, therefore, unless it be one of the essential and distinctive principles of the Church that the governors of the Church should acknowledge a spiritual allegiance to some higher power than their own beyond the bounds of the State wherein they dwell, those governors are justified by the principle of the allegiance which they owe to the civil authority under which they live, in retaining their own official supremacy in their own hands. The obligation imposed upon these governors by the terms of their commission, to act in common, as the bond of unity in the Church at large, may be allowed in a modified sense to constitute an allegiance which is external to the bounds of particular States; but except in regard to matters of faith, or such matter of order as might in principle affect the Church as a whole, that authority of the general body of the governors of

Christ's Church could not be lawfully applied to the regulation of their internal and domestic administration. Their possession of authority upon a direct responsibility to Christ admits of no enforced external power of regulation while they keep within the analogy of the faith and the constitutional order of Christ's institution; and their association with each other within the limits of their civil allegiance suffices for all ordinary purposes of common and representative government over their own flocks. So that, without assuming the position that their association under one civil power absolutely precludes their association with those who are under another civil power, for purposes of mutual counsel and determination of matters affecting their common duty, it still remains true that their allegiance to the civil authority justifies their grouping themselves within the limits of that authority, and acting, in their representative capacity, independently of all others in all matters of ordinary administration and government.

And this justification becomes the more cogent when we consider that the correspondence or analogy between the State and the Church representative results not merely from similar habits of thought and modes of deliberation, but from the participation of the two powers in that jurisdiction or discipline whereby in their several spheres they are, by the Divine institution, presumed to work together in the moral development of man.* The law of God being the basis of all human law in the State as well as in the Church, the makers and administrators of that law should proceed upon common principles in regard to its requirements in their respective spheres of temporal and spiritual jurisdictions;† and when they work together in one commonwealth—by mutual influence, if

* *Cf.* Prop. iv. *ante.* † *Cf.* Prop. v. pp. 36–38, *ante.*

not in any formal way—it is with better and more practical effect than if the influence of the spirituality be brought to bear from an external and alien power, incapable of appreciating the needs and the difficulties of the internal administration. At all events, if this be thought an argument of expediency, admitting of different views, it still remains true that the right of any such external power to exercise authority within the jurisdiction of a Church already under the government of Christ's Apostolic commission, is a right which is to be proved before its claim can be allowed, since the official equality involved in that commission makes the jurisdiction of each one free from the intrusion and interference of any other; and the universal adoption of civil limits as the field of spiritual jurisdiction makes, in fact, as many independent Churches as there are independent States wherein they dwell, saving always their necessary dependence upon the common faith and order of Christ's establishment. "The best union," therefore, "that can be expected between visible Churches seated in kingdoms or commonweals, independent one of another, is the unity of *league or friendship*," * which, however strict it may be thought desirable to make it, cannot preclude, though it may limit, the autonomy of those who are concerned in it.

In the history of the Church representative acting in a legislative and administrative capacity in the way of government, there appear to be certain divisions which are marked by plainly distinguishable characteristics, and which it may be convenient for the purposes of the present discussion to call the primitive, the imperial, the monarchical, and the republican; as in each period the

* Jackson, Works, vol. xii. p. 59, ed. 1844.

relation of the Church to the States or Kingdoms in which it has resided has been conformable in greater or less degree to the various patterns of civil government with which it has come in contact.

I. What is here called the primitive period extends from the time of the Apostles to the time when the Roman Emperor Constantine embraced Christianity.

The Christian Church being endowed, as a society, with a Divine right of preserving the faith and securing the discipline that should be necessary to hinder the gates of hell from prevailing against it, the Church governors, as Kennett remarks in his treatise on ecclesiastical synods, had authority to meet and consult of all urgent affairs; and when so assembled their resolutions and decrees were thought declaratory of the sense of Scripture and of sound traditions, and were so far binding to the inferior Priests and people. But according to the external policy of things and times, these synods had a different nature and denomination.

The earliest of those Christian synods might be called Apostolical, and their ordinary sessions were at Jerusalem, where the Bishop of that Church had a seeming presidency above the other Apostles. And perhaps if that city had stood, the succession of governors in that Church should have gone in the lineage of our Saviour; and then, had that been so, the Bishops of Jerusalem, with some affinity to the High Priests, might possibly have had a fairer pretence to the primacy than those of Rome.

The next synods were diocesan; for after the destruction of Jerusalem all Bishops were of equal character, and had within their own respective districts the separate care of Church affairs, so that every diocese was an ab-

solute Church within itself, and had full authority over its own members. The Bishop and his colleagues, who were select Presbyters, held their peculiar synods, and their acts and determinations (agreeable to the analogy of faith and form of government in the Catholic Church) were as valid and obligatory within their own communion as if they had been actually confirmed by all the other Bishops. I say every diocese was a complete Church, and the acts of a diocesan synod were, within the bounds of that authority, full and sufficient ecclesiastical laws. As there was yet no liberty, so there was yet no occasion for provincial, national, or general synods.

It was soon needful for the common concerns of Christianity that the neighboring Bishops should not only intend their own flocks, but should mutually correspond by letters and by meetings, for the general interest of the Catholic Church. And when the several Bishops of equal order did so meet, it was expedient for peace and method to give the chair to some one particular Bishop as the president in such a common assembly. To avoid emulation, it was least invidious to choose that Bishop who governed the chief city in that province; who had by degrees some larger privileges and powers, more easy to obtain, and more suitable to him, because his see was in the metropolis of the civil government. Hence came the induced rights of metropolitans, and the practice of provincial synods.*

This exceedingly rational statement of Kennett is well sustained by the learned Bingham, in whose account of the same period the civil analogies are more precisely applied:

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* Kennett's "Ecclesiastical Synods," pp. 197–204.

"To understand the state and division of the Church aright, it will be proper to take a short view of the state and division of the Roman Empire; for it is generally thought by learned men, that the Church held some conformity to that in her external policy and government, both at her first settlement, and in the changes and variations that were made in after ages. In the time of the Apostles every city among the Greeks and Romans was under the immediate government of certain magistrates within its own body, commonly known by the name of *βουλὴ* or *Senatus*, its Common Council or Senate, otherwise called *Ordo* and *Curia*, the States and court of the city; among which there was usually one chief or principal above the rest, whom some call the dictator, and others the *defensor civitatis;* whose power extended not only over the city, but all the adjacent territory, commonly called the *προάστεια*, the suburbs, or lesser towns, belonging to its jurisdiction. This was a city in the civil account, a place where the civil magistrate and a sort of lesser Senate was fixed, to order the affairs of that community, and govern within such a precinct.

"Now much after the same manner the Apostles, in first planting and establishing the Church, wherever they found a civil magistracy settled in any place, there they endeavored to settle an ecclesiastical one, consisting of a Senate or Presbytery, a Common Council of Presbyters, and one chief president above the rest, commonly called the *προεστὼς*, or the Apostle, or Bishop, or Angel of the Church; whose jurisdiction was not confined to a single congregation, but extended to the whole region or district belonging to the city, which was the *προάστεια*, or *παροικία*, or, as we now call it, the diocese of the

Church. According to this model, most probably, St. Paul directed Titus to ordain Elders in Crete, *κατὰ πόλιν*, in every city; that is, to settle an ecclesiastical Senate and government in every place where there was before a civil one; which, from the subsequent history of the Church we learn, was a Bishop and his Presbytery, who were conjointly called the Elders and Senate of the Church. . . . Another division of the Roman Empire was into provinces and dioceses. A province was the cities of a whole region subjected to the authority of one chief magistrate, who resided in the metropolis, or chief city of the province. This was commonly a Prætor, or Proconsul, or some magistrate of the like eminence and dignity. A diocese was a still larger district, containing several provinces within the compass of it, in the capital city of which district a more general magistrate had his residence, whose power extended over the whole diocese, to receive appeals, and determine all causes that were referred to him for a new hearing from any city within the district. And this magistrate was sometimes called an *eparchus*, or *vicarius* of the Roman Empire, and particularly a *Præfectus Augustalis* at Alexandria. When first this division was made, it is not so certainly agreed among learned men; but it is generally owned that the division of provinces is more ancient than that of dioceses; for the division into dioceses began only about the time of Constantine. But the cantonizing of the Empire into provinces was long before; by some referred to Vespasian, by others reckoned still more ancient, and coeval to the first establishment of the Christian Church.

"However this was, it is very plain that the Church took her model, in setting up metropolitical and patriarchal

power, from this plan of the State. For, as in any metropolis, or chief city of the province, there was a superior magistrate above the magistrates of every single city, so, likewise, in the same metropolis there was a Bishop whose power extended over the whole province, whence he was called the metropolitan or primate, as being the principal Bishop of the province, as has been showed in another place. In like manner, as the State had a *vicarius* in every capital city of each civil diocese, so the Church, in process of time, came to have her exarchs, or patriarchs, in many if not in all the capital cities of the Empire.

"This, in the main, was the state and division of the Church into provinces and exarchates, or metropolitical and patriarchal dioceses, in the latter end of the fourth century, from which it appears that a very near correspondence was observed between the Church and the State in this matter, both in the Western and Eastern Empire. . . . Yet, these being matters only of conveniency and outward order, the Church did not tie herself absolutely to follow that model, but only so far as she judged it expedient and conducive to the ends of her own spiritual government and discipline."*

Of course, in so far as this account relates to the state and division of the Church in the latter end of the fourth century, it covers more ground than is included in the primitive period which we are at present considering. But the view exhibited in both the abstracts just given has regard to a progressive development, and, so far as relates to synodical form, which is that expression of the Church representative with which we are now particularly

* Bingham, "Christian Antiquities," Book IX. ch. i. secs. 1–9.

concerned, obviously traces the growth of the system of councils, with its attendant distinctions in Episcopal title and prerogative, from the custom of Diocesan organization existing in the times immediately following the Apostolic councils up to the more formal and extended organization which is commonly known as the provincial system, which, with more or less specific historical example, was certainly well established and clearly distinguishable in the fourth century, and which, in its origin, progress, and maturity, bears the ineffaceable mark of civil analogy.*

II. But the system naturally becomes not only more thoroughly unified after the emperors became Christian, but also more definite and precise in its details of arrangement ; and synodical sessions and acts, as well as Episcopal distinctions and prerogatives, acquire an additional weight of influence, if not of authority, from the recognition and sanction of imperial power. To this period we trace the first appearance of such a representation of the Church as might, in a proper sense, be considered proportionable to the whole body ; and it is plainly to the civil authority that we owe this appearance in fact, whether or not we are inclined to the belief that such a general appearance of the Church representative would or could have been accomplished without State action. For, when the Roman Empire became Christian, the emperors thought proper, on urgent occasions, of which they constituted themselves, and were allowed by the

* The student should read with particular care the second book of Bingham's "Christian Antiquities;" the Rev. Dr. Egar's "Christendom Ecclesiastical and Political;" the Rev. Dr. Fulton's introduction to his valuable "Index Canonum;" and the Rev. Dr. Wilson's recent essay on "The Provincial System."

Church to be, the judges, to call together the Bishops within their dominion. Constantine the Great called the Council of Nice, and sat in it. Theodosius the Great called the Council of Constantinople, and, at the desire of the Fathers, confirmed its acts. Such, indeed, was the relation between the emperors and the Church representative of that period, that, as Kennett remarks, the very being of general councils was founded upon a civil supremacy. "It was a universal emperor, not a universal Bishop, that first authorized the institution of them, and his proper jurisdiction extended to all the Bishops so convened. And, indeed, the first general councils were in effect but national synods, confined to one civil government, of which there was but one head, though so many members of different countries and peoples." *

III. Upon the ruins of the Roman Empire, however, many countries formed themselves into absolute and independent governments, and thus came in what is here called the monarchical period, in which the rights which had been claimed by the emperors in summoning and sanctioning general councils, were appropriated by their successors, the rulers in different portions of their former dominion, and were equally admitted by the Churches of their respective jurisdictions. So that what the emperors had been to the councils called general, that the kings became to the councils which are called national; and though the Bishop of Rome, upon the dissolution of the Western Empire, usurped the pretension of calling general councils, yet the supreme magistrates in every nation had a right to allow, or to forbid, their subject Bishops to obey the summons of the Pope as being an act beyond

* Kennett, "Ecclesiastical Synods," *ut sup.*

his jurisdiction, and requiring the authority of the joint consent of all Christian princes; and the right was exercised as well as disputed.

The foregoing sketch is sufficient to indicate that the course of history substantiates the fact of the distribution of the Church representative into divisions corresponding to the civil divisions within which it dwells; and that the moving cause of this distribution has been the recognition on the part of the rulers of the Church of allegiance due from them to the civil authority. The conflict between the different civil powers and the Papacy has been, of course, persistent, and with alternate success and defeat. The history of that conflict forms a very large part of the history of the Christian world, since the emperors first assumed what the Popes afterward usurped, and the monarchs took back, sometimes with large interest for the enforced loan. But there is no doubt of the constraining influence in this respect of the emperors and the monarchs; and there is little doubt, either, that the constraint of the Papacy was largely exercised in the way of endeavor to operate upon Christian subjects through Christian princes; that is to say, in the endeavor to appropriate to itself the imperial power, which is an additional indication of the pervading instinct of ecclesiastical association within State lines.

It was one of the most notable results, and causes, also, it might be said, of the Reformation, that it emphasized and brought distinctly to the foreground the inherent independent rights of national Churches, a right closely interwrapt with the independency of individual Bishops; for, although the cause of national Churches was the cause of groups of Bishops, yet that cause was but the cause of each Bishop in that group, associated in the

exercise of his Divinely given commission with others holding the same commission equally with himself. And nowhere was the cause of national Churches more fully professed, or more earnestly and ably maintained, than in England, and all the more so because there, more than elsewhere, it carried with it the cause of the right of the Bishops to exercise the authority of their commission without the interference or intrusion of a foreign Bishop with the tyrannical claim of universal jurisdiction, contrary to the very first principles of the Episcopate.

IV. But the constitution of civil government in England was of a different character from that of civil government in most of the nations affected by the Reformation ; and as in the course of Divine Providence that constitution developed the larger interest and influence of the people, so by degrees the form of the Church representative in that nation came to share, to some extent, the characteristics of that constitution, and not only to wear the appearance of similarity to the civil government in its forms of administration, but also to act upon principles of representation somewhat analogous to those of the civil system.

And here one finds evident traces of the beginning of that period wherein the Church shows its capacity for adaptation to the republican form of government as well as to the monarchical or imperial. For although the form of government in that country has continued to be monarchical, yet in respect to the agency of the whole body of the community in the direction of that government, exercised under the restraining and balancing effect of the direct agency of certain classes or interests in that community, it bears within itself the spirit of republican institutions, if not the germ of an ultimate

republican form. And the Church representative in that country has in like manner been found to possess qualities akin to those of the State in its recognition of the lay influence, not only as represented by the Crown, but also as, at least at one period, associated with its councils, and in the extension of the representation of its constituent parts, so that the clergy have a distinct and responsible share in it as well as the Bishops.

With regard to the lay influence and coöperation, it would seem that the representation of it was not always attached exclusively to the Crown. Certainly there was an early custom that many matters relating to the Church should be settled in councils at which the great men of the land, both civil and ecclesiastical, were present, although in regard to matters purely spiritual coming before these great councils the ecclesiastics were wont to go apart and discuss them, and then to return and report them and obtain the sanction of the council, as a whole, to what they had resolved. And through the Saxon times the ecclesiastical synods were open to the inferior clergy, and to the king and nobles, who sat, however, rather as witnesses and protectors than as judges.

The system of the Church representative in England is very difficult of understanding. It has a complicated history, in which it will be easy for the student to lose himself; but it appears to be plain that the difficulties and complications have grown out of the struggle to maintain the nationality of the Church, and to preserve it from being engulfed in the imperial maw of the Papacy. Without attempting to sketch that struggle, or to offer an explanation of the system as a whole, it may be useful, and will serve the purpose of the present discussion, to give a brief account of the synodical constitu-

tion peculiar to it, from which it will be seen that it has acquired a certain extension of representation not found in other countries; which will appear, in the subsequent account of the American system, to have been applied, with still further extension, in accordance with the civil system of that country.

The original constitution of the larger and extra-diocesan ecclesiastical synods having been Episcopal, and the attendance of Presbyters in them, although occasional, yet clearly exceptional and by way of assistance —or possibly in some cases substitution—the properly ecclesiastical synods of England appear at first to have been constituted in the same manner. But from the middle of the thirteenth century, and probably before, the ecclesiastical synods consisted of what were then called greater and lesser prelates, Archbishops and Bishops being the greater, and Abbots, Priors, Deans, and Archdeacons the less; to which were sometimes added, when measures particularly concerned their interests, even some of the inferior clergy. The greater, however, in these synods enacted, while the lesser approved and consented. These were provincial synods, and in process of time began to be called and influenced by the Pope, who summoned them directly, or through the Archbishop of Canterbury as his Legate; and although such action was made illegal, yet these synods continued thus to meet until they were extinguished in the reign of Henry VIII. by what is known as the Act of Submission; after which time an assembly of ecclesiastical persons, long accustomed to meet for different purposes, began to occupy the position which had been held by them, and to do the work which had been done by them, although in a somewhat different manner. The Act of

Submission having been the death-blow to the purely ecclesiastical or provincial synods, the convocations, as they were called, naturally succeeded into their place and functions; being, indeed, largely composed of the same persons, with one important difference, however, that the inferior clergy were necessarily present by representation (and that diocesan) by proctors for chapters and proctors for clergy.

The convocation as distinguished from the provincial synod originated in the reign of Edward I., who in 1282 directed the Archbishop of Canterbury to call his Suffragans, Abbots, and other ecclesiastical officials before him, with the object of raising money by their consent to the taxation of their property. This effort not being successful was by and by accomplished in another way, the Archbishop calling the Suffragans to a provincial synod, and advising them to treat with their respective clergy in diocesan synods on that subject; and afterwards providing for the sending up, by each diocese, of two proctors with full and express powers to treat with him and his brethren. The clergy, though at first objecting to this attendance, appear by degrees to have become reconciled to it, and by the middle of the fourteenth century they were regularly called, as a matter of course, about the same time that Parliament met; so that these convocations came to be considered the ecclesiastical parts of Parliament, the members of convocation taxing the clergy in a manner to which the lay Parliament was not then competent. But although the chief object of the kings was raising money, yet they were disposed also to make these convocations available as a check upon the provincial synods which were under the Papal influence.

Thus called into existence for the civil purpose of taxation, these bodies by degrees assumed the aspect, and in some measure performed the office, of a Church assembly for Church purposes; but this not as legislators, but as petitioners, presenting their specification of things complained of, or to be reformed, when they gave their money. They comprised not only the Bishops of the dioceses, but a distinct representation of other interests therein, one proctor being for each chapter, and two for the diocese as distinguished from the chapter; and though their sessions were at first together, yet since the time of Henry VIII., at least, they were divided into two houses, the Upper House consisting of Archbishop and Bishops, the Lower House of the proctors. The latter being subordinate to the former have, however, two distinctive rights: First, that of submitting to the Upper House, for presentation to the Crown, the Schedule of *Gravamina* and *Reformanda;* second, that of a general negative on the proceedings of the Upper House, so that nothing can become a synodical act without their concurrence, which Gibson calls a power beyond that of the Presbyters of other nations. From the time of Henry VIII. until 1689, matters continued in this relative position; but in that year the ground began to be taken by the Lower House (which hitherto had been strictly subordinate to the Upper) of an independent and coördinate right, making themselves, contrary to all ecclesiastical precedent at home and abroad, correspondent to the House of Commons in the civil system. This novel claim gave rise to many angry and unseemly disputes between the two houses, and led the way to the silencing of convocation by the Crown, which took place in 1717. From that time until its comparatively recent revival,

about 1852, convocation was always summoned at the same time with Parliament, but never permitted to enter upon business.*

The later history of convocation does not affect the present inquiry; nor need the former history have been at such length referred to, except for its bearing upon the general subject of the tendency of the Church representative to assimilate itself to the form and manner of procedure in matters of civil legislation; and also for the bearing which to some extent it may have had upon the American system, which in point of time followed it, and by the founders of which it may perhaps have been regarded as adding some sanction of ecclesiastical precedent to the civil analogies by which, apparently, they were mainly influenced in the structure of their synodical bodies, after the independence of the States, consequent upon the Revolutionary War, devolved upon them the task of organizing a distinct ecclesiastical polity.

The tracing of a parallel, however, between the English convocational system and the American conventional system, can extend no farther than to the ascertainment of the common characteristics of an Upper, or Episcopal House, and a Lower House consisting of a

* For a view of the structure of convocation (following an account of English provincial councils until the Act of Submission, 25 Henry VIII., and a history of that Act), see Lathbury's "History of Convocation," pp. 114–122. *Cf.* also Kennett's "Ecclesiastical Synods," *ut sup.* The student will find an excellent summary sketch of "The History of Convocation," drawn apparently from Kennett; Gibson's "Complete History of Convocation," and Wake's "Authority of Christian Princes"—all of which are books not easy of access—in a paper contributed to Warren's "Synodalia," p. 135 (1853). From this paper, and from Kennett and Lathbury, the above account has been chiefly taken.

diocesan representation by clergy. The lay element, except as supposed to be represented by the Crown, is absent from the English system; while in the American system it is made equal to the clerical element in the Lower House. And the relative position of the two Houses, in the beginning of the American system, is entirely a reversal of that of the two Houses in the English system. In the English system the Upper House enacted, the Lower House having a negative; in the American system the Lower House was constituted the enacting power, the negative being given to the Upper, or Episcopal House, and that with the power reserved to the Lower House to overrule it.

It is true, no doubt, that human systems of polity are the result of growth and adaptation, and that they are seldom or never projected from nothing antecedent. They are not so much invented as adapted and applied. And the American ecclesiastical system, although containing many things new in the use which was then made of them, is no exception to the rule; for these things, although new in that relation, were not altogether new in themselves. And could we suppose that there was no other model of representative government open to the observation of those who founded this system than that of the English convocation, we might imagine that, upon examination of this system, they had found it expedient to take from it the idea of intrusting legislation to a body composed of two Houses, Episcopal and Clerical, and to improve upon that model by adding the representation of an element unrecognized in it, and, by then reversing its mode of operation, making the head in the new system occupy the place of the feet in the former system. The improbability of their adoption

of such a mode of procedure, in view of their actual civil environment, is greatly enhanced, moreover, by the consideration that the English Convocation at the time of the organization of the American system was rather a thing of the past than of the present. Seventy years had elapsed since it had been deprived of active life, and there was then no thought of its restoration. Its memory, of course, survived, and with such of the founders of the American system as were familiar with its history it might naturally have had a certain influence as furnishing in some sort a precedent for what they were doing; but beyond that dim perception of association we can hardly suppose its influence to have extended.

When we consider, however, that those who were, in the course of Providence, called upon to organize this system of polity, were living in a time when the whole civil system of their country was being reorganized, and that many of those who were eminent in the councils of the Church were associated also with its civil interests, it certainly is no violent presumption that they would be in some degree affected, in the settlement of the affairs of the Church, by the civil institutions with which they were familiar, and to which they were, for the most part, greatly addicted. Nor, in view of the tendencies toward civil analogy exhibited in all the past history of the Church, is it other than what might naturally be expected, that the scattered members of the body of the Church in these States should, in going through the process of organization, be affected by the political maxims and theories of their day; and that those who had vindicated their right to a truly representative government as the safeguard of constitutional liberty in the

State, should be solicitous to secure the same end in the Church by similar means.*

To these *a priori* considerations we are to add the observance of the facts: (1) Of the position of the Church in this country at the time of the organization in view, and (2) of the actual institutions then established as compared with the civil institutions previously completed.

1. The Church, when by its extension from the Old World it effected a lodgement in this country, was, in the very planting of it, endowed with the same Episcopal constitution which was inherent in the original stock out of which it grew. But, although Episcopal in its constitution, this Church was, for a long series of years—nearly two centuries—to a great extent deprived of personal contact with Episcopal government, the Church in the colonies prior to the Revolution having no resident Episcopate, and being regarded as an appendage to, or extension of, the jurisdiction of the Bishop of London. The result of this was that discipline greatly declined, while the dependence of the several congregations upon the Episcopate became almost nominal. A Bishop was, indeed, rarely

* "The connection between the Heaven-guided statesmen who worked out for us the problem of our political freedom, and the efforts of the same master-spirits of the time in outlining a policy and in establishing principles that make our Church, freed from foreign oversight and rule by the war, distinctively American in the minutest details of its economy and organization, are established facts of history. Of the two-thirds of the framers of the Constitution who were by birth, by baptism, by family connection, or by personal affiliation, Churchmen, nearly one-fifth were deputies in actual attendance upon the early General or State Conventions of the Church."—*The Relations of the Church and the Country*, pp. 22, 23 (1893), by WILLIAM STEVENS PERRY, D.D. (Oxon.), Bishop of Iowa.

seen by any member of the Church, except those who performed the journey of three thousand miles to England for the purpose of receiving Holy Orders. And it was not to be wondered at, that succeeding generations should grow up with a conception of the Church hardly reaching beyond that of a number of independent congregations, each with its own Presbyter. The dependence, too, of many of these Presbyters upon the venerable Society for Propagating the Gospel, for the whole or a part of their support, and their status as missionaries of that Society, rather than as the bearers of the delegated authority of the Bishops as the chief ministers of the common flock, probably tended to obscure still further the relation of the parishes to the Episcopate, and thus to impress men more strongly with the congregational idea, which was the same, by the way, with that which underlay the administration of most of the societies of Puritan origin by which the Church was surrounded. The fact, too, that property, to such extent as it was possessed by the Church, was vested in the congregations or their trustees, helped to strengthen this congregational tendency of the colonial Church; and all these facts together predisposed it to the formation, when the time should come, of some system in which the body of the Church should act by representation, instead of adhering to the system of being governed by a simply Episcopal rule.*

Not less plain, nor less important, is the fact that when the time did come for the formation of this system, the representation by which the Church acted in the process

* *Cf.* "Divine Authority, Catholic Precedent, Civil Analogy." Discourse by W. J. Seabury. Published by Mr. James Pott, New York, 1880.

of organization was not that of the members, or even communicants, of the Church, numerically considered, nor yet of the parishes or congregations; but of groups or collections of those parishes, considered as composed of clergymen and laymen, and contained within certain ascertained territorial districts; and the further fact that these districts were several of those colonies which had recently been recognized by Great Britain as independent States.

If we were to look at this matter of representation abstractly, and draw from our observations an inference as to what the manner of it might have been, or might have been expected to be, or perhaps ought to have been, it would be necessary to notice two considerations as bearing upon the probabilities of choice. One of these is the moral consideration of the substantial unity of the body of the members of the Church of England in the new-made States, corresponding to the substantial unity of the body of the citizens of those States, as being generally of one race, and of a common inheritance in language and civilization; the other is the legal or political consideration that the States, as such, were quite independent of each other, being as yet held only by the loose and ineffectual bond of the Confederacy, and that this independence of the States involved the same independence of the Church within those States, or even greater, there being then, in the beginning of this movement towards association, no pretence of even a *Confederacy* ecclesiastical. To the observation of this moral consideration in the case of the Church, might be added the reflection that the different Episcopal congregations in the colonies had known no union before the Revolution, except that of their common connection with the

Bishop of London; and that their long-settled habit of desiring a Bishop for the colonies, there being only the thought of providing an available substitute for the Bishop of London on this side of the water, would tend, in many quarters, in the direction of consolidating the scattered members into one organization, and having a Bishop, or perhaps more than one, for the superintendence of the whole, and would naturally obscure, if not exclude, the view of a representation of the Church within the States. And the moral consideration, strengthened by this reflection, might lead us to infer that the constituency represented was the mass of the Churchmen or congregations diffused throughout the whole region of the country, which would seriously affect our view of the nature and power of the representative body.

To this process of abstract reasoning, men are much addicted; and if, in making use of it, they would confine their conclusions to the potential, and not transfer them to the actual, there would not be the slightest objection to the intellectual exercise. In other words, if they would distinguish between what they think ought to have been done, and that which really was done, much confusion would be avoided. It is well known that the same process of reasoning has been used in respect to the civil system, and that the conclusion has been drawn from it, not only that the practical unity of the people of the States made it expedient for them to be united under one government, but also that in fact they did act as one people in the formation of a government responsible to them as a whole, instead of being, in a legal and constitutional point of view, several politically distinct communities, which constituted, for common purposes, a common government involving unity of authority over

the individual members of each within a specified sphere.* Nor is it the least among the evidences of the reality of the civil analogies of the Church representative in this country, that we find not only similar conditions of fact resulting in similar actual provisions, but also tendencies to the use of this abstract reasoning in regard to the nature and powers of the common government in the Church, similar to those which we find in regard to the nature and powers of the common civil government. These two schools of thought, so to speak, have been

* This characteristic of the direct bearing of the general government upon the individual in the civil system of the United States, is indicated, and with great felicity traced to its origin, in thought as well as action, by Chief Justice Shea in his altogether admirable treatise on the "Life and Epoch of Alexander Hamilton" (2d ed. Riverside Press, Cambridge, 1880, pp. 101–103). "The family was in order of time before the State, and the State is a combination of fathers and masters for the better protection of themselves and families. Reason points us to this as the probable origin of political communities, and history attests the fact of such origin. Like as the members of the family regard its chief and husband, *domus vinculum*, so does the individual citizen in his public capacity look to the State, though himself an essential constituent of it, as a supreme law and civil governance. Herein we have not only the special and local government within a family and limited to its own affairs, but we have a general government comprehending and pervading throughout, all at once, the grand aggregate, supreme in its unity and in its universality; each a government bearing directly upon the individual. Herein arises the feasible and practicable system for a duality of government over the same territory and over the same people. In it we can see the first original of the principle which Hamilton had divined, and which he was to apply to the several States in their independent operation and scope, and to the same States in empire. He saw the consequent while it was yet dormant in principle, and he called it into existence and organization."

evident in the civil system from the beginning, and contemporary with them have been the same schools in that branch of the Church representative which we are now considering—the one influenced by what is here called the moral consideration of the substantial unity of the people as a whole, to the extent of ignoring or denying the fact of the political discrimination into independent integral parts ; the other influenced by the legal consideration of the necessity of voluntary or federative association in order to the common government of several communities, each one whole and complete in itself, although politically composed of men of the same race or the same religion as those who compose the other communities with which they are politically united. And those who are disciples of one of these schools in the State, are almost inevitably found to be disciples of the corresponding school in the Church.

And although the observations here introduced may seem to be somewhat of a digression in an inquiry as to facts, yet they are not without an obvious bearing upon the general question of civil analogy, and also upon the value and importance of the facts alleged, that in the process of the formation of our ecclesiastical organization the representation of the Church was not that of a constituency diffused throughout the whole region covered by the system, but of a constituency of distinct integral parts, and that these units of the Church system were respectively included within the States which were the units of the civil system.

These facts evidently appear from the first Journals of the General Convention, and from that which is the best source of information on this subject, the Memoirs of the venerable Bishop White, to whom belongs the

honor of having been the father of this system of representation. The evidence shows that although there had at first—and before the actual independence of the States—been only the idea of a representative body combining the clergy and representatives of congregations in convenient districts, yet that in 1785, when there was made what may be called the first *draft* of the constitution afterwards adopted, the idea of convenient districts disappears, and along with it the other ideas which had in the meantime been mooted, of associated congregations in two or more States, and of reservation of powers to the clergy and laity of congregations; and the ground taken is distinctly that of the Church in each State being represented, and having, as such, one vote in General Convention, and of having Bishops provided for the several States.* The same provisions appear, with changes not affecting the point of the Church in the State being the thing represented, in the amended draft of 1786, and in the completed form of 1789. In the first session of the Convention of 1786, it is resolved, "that it be recommended to the Conventions of this Church in the several States represented in this Convention that they authorize and empower their deputies to the next General Convention . . . to confirm and ratify a General Constitution, respecting both the doctrine and discipline of the Protestant Episcopal Church in the United States of America:"† a provision which was necessary, because hitherto what had been done rested on recommendation only.‡ In the second session of 1786, the Convention, on a question put, decided that it had no authority to

* Articles II., V., VI., VII., XI., of this draft. Bioren's "Journals," p. 9. † Bioren's "Journals," p. 26.

‡ Bishop White's "Memoirs," p. 96. *Cf.* pp. 80, 81 (2d ed., 1836).

admit as members persons deriving their appointment not from a State convention but from a particular parish or parishes only.* In the first session of 1789, the members were called upon to declare their powers relative to the resolution of 1786, which had recommended their being appointed by their State conventions with the full power to confirm and ratify a General Constitution, and reported that they came fully empowered.† In the second session of this year the Constitution was acceded to by the representatives of the Church in Connecticut, and in other States not before included in the union.‡ These citations are sufficient to establish the character of the constituency of the representative body as having been that of the Church in the State ; and the facts that Connecticut had, since the year 1784, been a complete Church with its duly consecrated Bishop, and as such had remained independent of this union § until it voluntarily and on conditions acceded to it ; ‖ and that in every State it was contemplated that there should be a Bishop,¶ show that the Church in the State was not only regarded as the unit of the representative system, but also regarded as being a unit of a Diocesan character ; the Church in each State being in fact a Diocese, either (as in the case of Connecticut) actually provided with a Bishop, or, as in the case of the other States, temporarily deprived of that with which it was intended to be, and soon after actually was, provided.**

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* Bioren, p. 39. † Bioren, p. 48. ‡ Bioren, p. 74.

§ Bishop White's "Memoirs," p. 81. ‖ Bioren, p. 74.

¶ Article VI., 1785, 1786 ; Article IV., 1789. Bioren, pp. 9, 25, 76.

** Plan for obtaining Consecration of Bishops, adopted in session of 1785. *October* 5th.

"*First.* That this Convention address the Archbishops and Bishops

2. If we look now at the institutions actually established in this organization, or formation of the Church

of the Church of England, requesting them to confer the Episcopal character on such persons as shall be chosen and recommended to them for that purpose from the Conventions of this Church in the respective States.

"*Secondly.* That it be recommended to the said Conventions that they elect persons for this purpose.

"*Thirdly.* That it be further recommended to the different Conventions, at their next respective sessions, to appoint committees with powers to correspond with the English Bishops for the carrying of these resolutions into effect; and that until such committees shall be appointed, they be requested to direct any communications which they may be pleased to make on this subject, to the committee consisting of the Rev. Dr. White, President; the Rev. Dr. Smith, the Rev. Mr. Provost, the Hon. James Duane, Esq., and Samuel Powell and Richard Peters, Esquires.

"*Fourthly.* That it be further recommended to the different Conventions, that they pay especial attention to the making it appear to their Lordships, that the persons who shall be sent to them for consecration are desired in the character of Bishops, as well by the laity as by the clergy of this Church, in the said States respectively, and that they will be received by them in that character on their return.

"*Fifthly.* And in order to assure their Lordships of the legality of the present proposed application, that the Deputies now assembled be desired to make a respectful address to the civil rulers of the States in which they respectively reside, to certify that the said application is not contrary to the Constitutions and laws of the same.

"*Sixthly.* . . ." Bioren, pp. 11, 12.

This extract from the order of the Convention of October, 1785, proves that the settlement of a Bishop in each State was the purpose and intent of the framers of the constitution at the time of the formulation of their first draft of that instrument, and that they recognized the right and duty of the States to proceed in that matter.

What effect the course already pursued in Connecticut may have had upon the settlement of this intent and recognition, clearly distinguishable from the previous floating ideas of arrangement of clergy and laity in convenient districts, and associated congregations in two

representative, and compare them with the civil institutions previously completed, we shall find a series of

or more States, one can only conjecture. But as a matter of fact, and therefore of historical interest, the course here recommended to the conventions of the Church in the respective States had been already in substance complied with in Connecticut; for (1) Dr. Seabury had been elected by a convention of the Connecticut clergy at Woodbury, March 25, 1783; (2) though not elected by the laity, he had, on his return from Scotland in August, 1785, been received in the character of their Bishop implicitly by loyal acceptance of him as such; (3) a committee of the Convention of Connecticut, qualified to represent the Church in that State, had respectfully addressed the civil rulers thereof with reference to the attitude of the civil government in respect to the settlement of a Bishop in that State, and had been assured by leading members of both houses of the Assembly that the act already passed by the Legislature comprehended all the legal rights and powers intended to be given by their constitution to any denomination of Christians, and included all that was needed for the allowance of a Bishop within the State ("Conn. Ch. Documents," Hawks & Perry, ii. 224–226); and (4) the first and third of these facts were certainly with due diligence, respect, explanation, and iteration presented to "their Lordships" throughout the period of sixteen months preceding the final discouragement of the Bishop-elect in that quarter, and the favorable action upon the request of Connecticut by the Bishops of the Scottish Church.

The influence of so recent and conspicuous an example, based upon the principle recognized by the Convention of October, 1785, of the right and duty of the Church in each State to seek completion in the Episcopate, is certainly worthy of consideration, and can hardly be overestimated.

Indeed, the account given by Bishop White of these resolutions, drafted by himself, indicates that, as to one point, the example of Bishop Seabury served at least as a warning. "As to Bishop Seabury's failure in England," he says, "the causes of it, as stated in his letter, seemed to point out a way of obviating the difficulty in the present case" And he adds: "It was a prudent provision for the Convention to instruct the deputies from the respective States to apply to the civil authorities existing in them respectively for their

parallels which it would be unreasonable to regard as accidental, or other than evidence of an intentional conformity or adaptation of the Church in the arrangement of its external administration to the civil system in which its lot was cast. Some learned Bingham of a future century will very probably observe, that to understand aright the state and division of this Church, it will be proper to take a short view of the state and division of the Republic of the United States, since it plainly held some conformity to that in its external policy and government, both at its first settlement and in the changes and variations which were made in after ages; though in these matters of conveniency and outward order the Church did not tie itself absolutely to follow that model, but only so far as it judged expedient and conducive to the ends of its own spiritual government and discipline. It will be necessary, however, for this prospective historian impartially to record the fact, that there were in this Church some persons replete with godly and good learning who could never be brought to see this conformity; and who, contrary to all the teachings of history, in which they were well versed, persisted in thinking that this Church was an exception to the general rule of civil analogy which had prevailed from the time of the Apos-

sanction of the measure, in order to avoid one of the impediments which had stood in the way of Bishop Seabury." ("Memoirs," pp. 101, 102.) From the statement in Bishop Seabury's letter, however, to which Bishop White apparently refers, it appears that something more than sanction was exacted in his case, to wit, "a formal requisition from the State." (*Cf.* Bishop Seabury's letter, printed in the "Memoirs," pp. 286-292.) Obviously, the Connecticut case was well in mind, and its lessons were inwardly digested. Nor was the Convention of 1785 the only pupil in the school of prudence—though that belongs to another subject.

tles to its foundation, and that there was something derogatory to its claim to a true Apostolicity and Catholicity in the admission of such a possibility.

Perhaps, however, instead of following the method of Bingham and endeavoring to take a view of the state and division of the Republic of the United States, and a corresponding view of the arrangement of the Church, it will be more simple and brief to state directly the parallels which have been referred to, pointing out the correspondence in these particulars.

(*a*) In the first place there is to be noted the parallel of federation. It has already been pointed out, that, in the process of arranging a common government for the Church in this country, the Church was recognized as having an independent existence in the respective States. This independence was of a similar character to that which has been noticed as belonging to the individual Bishop, or to the Diocese of primitive times; that is to say, it was not an absolute independence, which made its possessor capable of being or doing anything that might be desired. It involved no freedom from the analogy of the common faith and order of Christ's institution, but within the restraints of that common faith and order, the Church in each State was free and independent of the control of the Church in any other State. The association for the purpose of a common government was an association by representation; and the constituency of that representation was the Church in the State. There was no common power with recognized authority to direct or enforce, or even constrain and influence, these constituencies to a common association. The association was therefore voluntary and federative.

Bishop White makes some observations upon the point

of the need and motive of the organization of the Ecclesiastical Union, which it will be useful and interesting to consider here, on account of the important and suggestive bearing which they have upon the question of the nature of the constituency of which that union was composed. In defending the policy of organization which had been acted on, against a prejudice noted on the part of some, that nothing should be done in this direction until the obtaining of the Episcopacy, he says :

"Certainly the different Episcopal congregations knew of no union before the Revolution, except what was the result of the connection which they in common had with the Bishop of London. The authority of that bishop being withdrawn, what right had the Episcopalians in any State, or in any one part of it, to choose a bishop for those in any other? And until an union were effected, what is there in Christianity generally, or in the principles of this Church in particular, to hinder them from taking different courses in different places, as to all things not necessary to salvation? Which might have produced different liturgies, different articles, Episcopacy from different sources, and, in short, very many churches, instead of one extending over the United States ; and that without any ground for the charge of schism or of the invasion of one another's rights. The course taken has embraced all the different congregations. It is far from being certain that the same event would have been produced by any other plan that might have been devised. For instance, let it be supposed that in any district in Connecticut the clergy and the people, not satisfied with the choice made of Bishop Seabury or with the contemplated plan of settlement, had acted for themselves

instead of joining with their brethren. It would be impossible to prove the unlawfulness of such a scheme; or, until an organization were made, that the minor part were bound to submit to the will of the majority. There was no likelihood of such an indiscreet proceeding in Connecticut; but in some other departments which might be named it would not have been surprising. Let it be remarked that in the preceding hypothesis there is supposed to have been, in the different neighborhoods, a bond of union not dissolved by the Revolution. This sentiment is congenial with Christianity itself and with Christian discipline in the beginning, the connection not existing congregationally, but in every instance without dependence on the houses in which the worship of the different portions of the aggregate body may be carried on."—*Memoirs*, pp. 98, 99.

The venerable Bishop's opinion, that the withdrawal of the authority of the Bishop of London involved the possibility of the assertion of individual and congregational independence is in itself true, and his attributing to organization the effectual power of preserving order and preventing that chaos is also true. Without organization nothing could have hindered the production and perpetuation of that diversity which he forecasts. By organization he evidently intends the Ecclesiastical Union. But whether that particular organization was necessary to prevent the disintegration which he describes, to the extent to which he apprehends it, must, of course, depend upon the previous question whether any organization apart from such union, and in the several members of it, was antecedently possible, or probable. The want of the organization of the Union would, of course, have made possible the continuance of independent existence in

its several parts. The fact of organization in any of those parts would have been as effectual a preservative against such individualism in that part, as the Union proved to be against the extension of the same evil in other parts. The hypothesis in the case of Connecticut can only be in part admitted to be lawfully possible. If the clergy by whom Bishop Seabury was elected were not in a proper sense representative of the Church in Connecticut, the case of differing action by such part of the Church in that State as was not represented might be supposable; but since the clergy were the clergy of the Church in that State, ten out of fourteen acting, and the other four not objecting, the proceeding involves such organization in that State as would prevent the diversity supposed lawfully possible by Bishop White. An opposing organization by laymen in that State, had such indiscretion been supposable, would have been schism pure and simple. The clergy had jurisdiction over their people, received by their ordination and lawful settlement; and when their Bishop was withdrawn from them, their duty to their people involved and justified their proceeding to procure another. So much power of organization must be on Church principles presumed to have been inherent in the clergy of any district, for preserving themselves and their people in the unity of the Church Catholic; although the association would involve no obligation upon those in other parts or districts to conform to them. But, given the fact of such association in one part, the combination of this part with similar associations in other parts in an Ecclesiastical Union prevented the diversity of rule and usage in all the parts, or in the lesser elements of which they were respectively composed; and there is, probably, no other possible course which would have

been at all likely to produce the same result, as Bishop White, with his usual practical wisdom, discerned.

In fact, that which saved the Church from the diversity, if not disintegration, which is here so clearly indicated, was the organization of the Ecclesiastical Union, *as being* the combination of organizations of a diocesan character within the States. It is very possible, indeed, that Bishop White, for his part, regarded such combination as furnishing only the most feasible mode of carrying into effect his original project of clergy and laity organized in convenient districts. It is even probable that, in his own personal views, he regarded the adoption of this mode as a condescension and concession to what, in the latter part of his life, he called "that excessive attachment to the peculiarities of the different States," above which, "when the constitution was framed, the public mind had not yet raised itself" (p. 391). From whatever height, however, he may have viewed the mode, he could not overlook it, nor do better than utilize what he could not alter; and, accordingly, this was the actual mode by which organization was enabled to constitute the Ecclesiastical Union. Most likely the Connecticut example crystallized the diocesan State idea, which was embedded in the public mind of the day. But, from whatever influences, there it was, in the ore of the system when it was first moulded into the form which it ever after retained. And while, in the process, we may gratefully attribute much to the wisdom of the policy of influential men, we must attribute still more to the overruling hand of the Divine Providence which had prepared the way for these men to walk in; and which they could not help following, if they simply acted upon the principles which were inherent in the system under which they were

living. These principles were mainly and eminently three in number, and they are very important to be noted. They were :

1. The principle of neighborhood ; of which Bishop White well remarks that it constituted, in the present case, "a bond of union not dissolved by the Revolution . . . congenial with Christianity itself, and with Christian discipline in the beginning ;" in which discipline the jurisdiction of the single Bishop was called his *παροικία*, for that very reason, because it included the neighborhood of the place where his seat was.

2. The principle of allegiance to civil rulers ; by which the extent or limit of neighborhood becomes more settled and ascertainable ; neighborhood, like every other quality, being comparative ; and requiring, for purposes of organization, some determination and settlement. This was easily suggested, and naturally furnished by the claim of the civil authority existing in the State to the allegiance of all who were within the circuit of that common obligation ; and was emphatically singled out and discriminated from combinations of smaller range by the association of those States as the units of the larger combination of the civil union.

3. The principle of dependence upon the Episcopate ; the jurisdiction of which, naturally, and in accordance with the Divinely inspired policy manifest in the original settlement of the Christian Church, has an affinity to the civil jurisdiction ; seizing instinctively upon the salient points of the civil administration and operating from them ; the same instinct which settled the jurisdiction of the Bishop in the chief city of the province of primitive times, being here apparent in the association of the same

jurisdiction with the State, as the conspicuous unit of the civil system in the time of this organization.

These are principles of such a nature as to have a sure, though silent, and in part unrecognized, influence. They are principles able to have produced the consequence which in fact took place, being so congenial to the causes of results accomplished that it is difficult to separate them. That they were chiefly instrumental in guiding the steps of Bishop White himself, seems, from the progress and issue of the history, impossible to doubt. *He being in the way, the Lord led him to the house of his Master's brethren.*

The jurisdiction of the English Episcopate, which, prior to the Revolution, had such a recognized common authority as made the formal federative association of the Church in the colonies unnecessary, and the withdrawal of which opened the way for those possibilities of disintegration which were so apparent to Bishop White, being incapable of exercise during the war, had been in abeyance: and at the close of the war it was still incapable of exercise, and all claim to it was abandoned. And, the Church in each State being in the position of a Diocese temporarily deprived of its Diocesan, each State had a right to seek its own completion by obtaining a Bishop from those qualified to consecrate him; and it had also the right to associate itself with the Church in other States first, and procure its completion by the addition of the Episcopate afterwards. Had the first course been pursued by all, they would all have been united by the federation of their Bishops, acting in the ordinary course of the Episcopate in the way of common association, whenever and in so far as circumstances might require such association; and as the obtaining of the Episcopate

was a work of time, involving much doubt and anxiety, the same right of association cannot be denied to have been possessed by the churches preparatory to the acquirement of Bishops. In fact, the right to move in both these directions not only existed, but was recognized and exercised. And it is to this providential fact that we owe the blending of the two ideas which are fundamental in our complex system, and without discernment of which we shall fail to find the clue to it. For the Episcopal system, which contemplates a commission to govern proceeding from the Head downward, and the conventional system, which contemplates a permission to govern proceeding from the members upward, are here combined in one; and together produce a government wherein the just authority steadies itself by the consent of the governed. And what we owe to Connecticut for the courageous faith which acted on the one idea, is balanced by what we owe to Pennsylvania for the devout wisdom which acted on the other.

The Church in the State of Connecticut sought first to complete itself by procuring a Bishop, Dr. Seabury being elected to that office by the Connecticut clergy on the Feast of the Annunciation in 1783, and being received by the clergy and laity of that Church as their Bishop on his return to that State after consecration (November 14, 1784) by the Bishops of "the Catholic remainder of the ancient Church of Scotland;" and thus completely constituted, the Church in Connecticut awaited the issue of the movement in other States, and in due time, being satisfied that sufficient safeguards were provided for the preservation of the common faith and order, accepted the invitation of those churches in other States which had already associated themselves, and in 1789 attached

itself to the union thus formed.* The case of Connecticut alone, and the history of its relation to the movement for the union of the churches in other States, is sufficient to establish the federal idea in that union, and to show that it was the absolutely controlling moral force in the establishment of the Ecclesiastical Union. But that the case of Connecticut is not solitary in this evidence appears from the facts, *first*, that the movement towards the association accomplished in 1789 began to take shape in a voluntary meeting of clergymen of New York, New Jersey, and Pennsylvania in May, 1784, who determined to procure a larger meeting in the October following, "to confer and agree on some general principles of an union of the Episcopal Church throughout the States;" † *second*, that the movement proceeded through the combination of the churches in seven only of the thirteen then existing States; ‡ and *third*, that the body representing the

* It should not be understood from this statement that either the Bishop or the Diocese of Connecticut in any way held aloof from the Union, or cherished ideas of opposition to it. The case was quite otherwise. But certain grave apprehensions of unchurchly tendencies in the Middle and Southern States were entertained in the Eastern States. Bishop White thought that these were not altogether well-founded, but they existed, and the attitude described in the text resulted. Bishop Seabury addressed a letter of welcome, expressive of his desire to coöperate, both to Bishop White and Bishop Provost, immediately upon their return home after consecration in 1787. Bishop White replied with courtesy, though with seeming coolness; Bishop Provost apparently not at all. Organization had been proceeding in both quarters. Each invited the other to conference. The organization in Connecticut was at this time complete. That of the Church in other States was still in process of completion. After it was actually complete for the churches engaged in it, *i.e.*, in August, 1789, the invitation by it to Connecticut was accepted.

† Bishop White's "Memoirs," p. 22. ‡ *Ib.*, p. 22.

churches in these seven States, in 1786 appointed a committee to forward its minutes and proceedings "to the Eastern and other churches *not included in this union*, to notify to them the time and place to which this convention shall adjourn, and *request* their attendance at the same for the good purposes of *union* and general government." * The churches in the States other than the first seven acceded to the union at different times afterward, the accession of North Carolina not taking place until many years after the accession of Connecticut. The federal character of this Ecclesiastical Union is indeed so plain that it seems an unnecessary weariness to go over the tedious labor of producing evidence for it. Nothing but what the future Bingham must inevitably regard as the extraordinary pre-judgment of some most honored and most learned churchmen who, under the bias of a misconceived and misapplied analogy between the General Convention of this Church and the national or provincial councils of churches of other times, have thought it necessary to find in that representative body the inherent sovereignty which they seem erroneously to have attributed to other conciliary bodies of the Church, could prevent the obvious conclusion from the facts of history that what was here constituted in 1789 was an Ecclesiastical Union, accomplished by the federation of independent churches, potentially if not actually complete, and that the governing body brought into existence by that federation, although absolutely supreme within the sphere appointed to it, was the recipient of powers delegated, and not the source or origin of powers inherent.

* Bioren's Ed. "Journals of Gen. Conv.," p. 64.

And in regard to the civil system, and the essentially federal character of its original organization, the simple facts—apart from the use to which in practice they may have been subjected—are these: *First*, that the American Colonies united themselves in a confederacy, of which they were respectively the independent component parts; *second*, that they were, at the conclusion of the Revolutionary war, formally recognized by Great Britain as free, sovereign, and independent States;* and *third*,

* "His Britannic Majesty acknowledges the said United States, viz.: New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be Free, Sovereign, and Independent States; that he treats with them as such; and for himself, his heirs and successors, relinquishes all claim to the government, propriety, and territorial rights of the same, and every part thereof" (Art. I., Treaty of Peace of 1783).

Had it not been necessary that this acknowledgment should be of the States respectively constituting the United States, it would have been the simple and obviously sufficient course to have acknowledged the nation of the United States to be a free and independent sovereignty. But in fact, the war of the Revolution, as is well remarked by Chief Justice Shea, "did not make nor leave the United States a nation; except on the presupposition which, by a sort of theory, enabled them to act as such in their first diplomatic negotiation with England" ("Life and Epoch of Alexander Hamilton," p. 63).

"The commissioners felt that the very idea of nationality in the negotiation of a treaty was desirable and necessary. To the English the point was one of procedure merely. Not so to the United States. The negotiations finally went on with the Office for Foreign Affairs. Those and other statesmen were not deceived. It was better policy though, just then, to act upon the apparent, rather than to insist upon the real, fact. To the exterior world the United States presented the semblance of unity. Between the States themselves it was scarcely acknowledged. The unity of the States in any

that in the exercise of this freedom, sovereignty, and independence, with respect to each other, and to all other states or kingdoms of this world, they proceeded, after years of deliberation and consideration, voluntarily, though after much persuasion and hesitation, to form a more perfect union than they had before constituted, by which they established a general government, which was clothed with powers supreme within the sphere appointed to it—having what it is believed no mere confederacy ever had, and what certainly the American Confederacy had not, the authority to act within its sphere upon the individual directly and immediately, instead of indirectly and mediately through the several States united—and yet, with all its supremacy, not having, as in the nature of things it could not have, one single power inherent in it and not delegated to it.

The proper application of these facts to questions of the relations of the States between themselves, and of the relations of the General Government both to the States and to their individual members, lies within the range of the responsibility of those whose duty it is to administer the affairs of government. It is of the nature of those things which, in accordance with the precept of the Divine Master, we may cheerfully "render unto Cæsar." But when in the course of the Divine Providence Cæsar has been transmuted from an individual to a multiform personality, and diffused among the community, as is the case where the sovereignty of the civil authority is recognized as lodged in the people, it must

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national sense was an empty theory. Pride, policy, and patriotism had nerved the American commissioners to insist on the ideal. But they knew, and intelligent people in Europe knew, that the thing itself did not exist" (*Ib.*, p. 66).

needs be that such questions will be determined by the judgment of the people, under such influences of reason as may from time to time be brought to bear upon them, under the exigencies to which they may from time to time be subjected. The love of country is an instinct of human nature; nor, indeed, is the law from which it springs limited in its operation only to man. Even the brute creation is conscious of the home feeling; while the growth and verdure of the plant which adorns the surface of the earth, and the form and nature of the mineral which fills the vast storehouse of subterranean recesses, are affected by their relation to the region to which the Creator has appointed them. But the kindred instinct in man is possessed and used by him as a being endowed with reason; and the love of country in him must always be modified in form and expression by his judgment in regard to what his country is, and what he desires it to become. Thus, what seem to some to be traits of peculiar excellence, may be regarded by others as weaknesses or blemishes; and some will be bent upon the development and application of one theory, and some will be addicted to another; the love of country actuating both in proportion to the purity and unselfishness of the individual. The object of the present inquiry, recognizing the diverse operations of the human heart and mind in this respect, is simply the ascertainment of facts in the civil system correspondent to facts in the ecclesiastical system. It is no part of its scope to trace the progress of what by some may be regarded as misconception and misrepresentation of those facts, and by others as their legitimate development. The observation, however, may perhaps be permitted, and in candor allowed to proceed from an honest love of country, that

It is greatly to be desired that these facts should be clearly understood and well borne in mind, as a safeguard against both imperializing and democratizing influences, which, though at enmity with each other, are willing to make themselves friends together in their common misapprehension and distrust of those truly republican principles on which alone the hope of mankind for the permanence of a system providing for the just and beneficent government of society by itself can with safety repose; and to illustrate and maintain which the American system was anointed—if any ruler or system of government ever could be said to have been—with the special unction of a Divine mission.

But what has been said will suffice to evince the parallel between the civil and ecclesiastical systems under consideration in respect of the principle of federation.*

* It is presumed that the intelligent reader will understand that the terms federal, democratic, and republican are here used simply as expressive of ideas properly denoted by them, and entirely without regard to the significance attached to them in the designation of political parties. It is a matter of some curious interest, however, to note the divergence of political usage from the original and proper meaning of words in the descriptive titles of American parties. The Federal party, so called, was composed of those who were the earnest advocates of the union of the States as opposed to their continued independence, and whose views, more or less affected by monarchical traditions, looked toward the building up and maintenance of a strong central government in that union, for which, in their construction of the Constitution, there was sufficient authority, either expressed or implied. Their tendency toward centralization was resisted by the party commonly called Democratic, not at all by the advocacy of the political rights of the mass of the people as such—which that name might be supposed to indicate—but by insistence upon the reserved rights of the constituent members of the Federal Union—that is to say, the States; for which reason, presumably,

(*b*) The next parallel noted may be called the parallel of *organization*, which term is here used to denote the establishment of the organic law regulating the form and manner of operation of the Church representative in the United States, considered with reference not only to its individual members, but also to the Church representative existing in the dioceses respectively.

The law which defines the organic structure of a body and contains the fundamental principles on which it must act is called its constitution. We understand the constitution of the Church of Christ to have been settled by Christ, and the Apostles acting under the guidance of the Holy Spirit. This constitution is unwritten and traditional, although Holy Scripture furnishes evidence of its form in agreement with the witness of tradition. The canons of the early Church in the age of unity were enacted in subordination to this common unwritten constitution, and are to some extent evidence of it; and upon this constitution the Church of Christ, in its every integral portion, is dependent.

Without special agreement, the relation of the several dioceses of the Church in any country would rest on the basis of this original unwritten constitution; and there is no reason to imagine that the dioceses of the Church in this country—or the Churches within the States respectively—held after the independence of these States a

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the party took care to associate the word republican with that of democratic in their title, though the former word, in common parlance, is ignored. Thus the rights which were truly and properly federal came to be urged against the Federal party, whose centripetal tendencies, balancing Democratic centrifugalism, have been, not exactly inherited, but re-presented by the Republican party of later years.

different position. They were, as has been so often urged, absolutely dependent upon that constitution, whatever might have been their independence in other respects. Nor has there ever been anything to prevent the representatives of any group of dioceses anywhere from associating themselves under the formal sanction of a written instrument regulating the fundamental principles of their associated action, subject to their obligation to the common unwritten constitution; nor to prevent this written instrument from being called a constitution, it being recognized that it determined the organic law only of the association. The very natural and sufficient reason why in the previous history of the Church there is no such action apparent as that taken in this country, is that there has never been the same occasion for it. Had the Churches in these States been provided with Bishops, the administration of the affairs of the Church under the common constitution might sufficiently have been carried on without other law than that of the canons usual under ordinary circumstances. But the Churches originally concerned in this association were at the time actually without Bishops; and entering, as they did, without ecclesiastical precedent, upon the organization of a common administration, it was natural and justifiable that they should put the evidence of the fundamental principles of their association on record in the form of a solemn instrument in writing.

The questions of interest in the present connection are as to the source from which they drew the name of that instrument, and what the name in their use of it imports.

Bishop White, in referring to the draft of 1785, speaks of it as a "General Constitution."* The drafts of 1785

* "Memoirs," p. 96, 2d ed.

and 1786 are headed respectively "A General Ecclesiastical Constitution" and "A General Constitution" "of the Protestant Episcopal Church in the United States of America." * In its completed form, in 1789, the instrument is entitled in August "A General Constitution," and in October "The Constitution" "of the Protestant Episcopal Church in the United States of America." † In two or three places the instrument is made to refer to itself as "this constitution." There is an opinion among some who have imbibed the notion of an inherent sovereignty in General Convention, that this term is to be understood in the same sense as the word "constitutions" in ecclesiastical terminology, as it is common to speak, for example, of the constitutions of Otho and Othobon; and it is thence argued that this constitution is, although conceded to be of more solemn import and more difficult of change than ordinary canons, essentially a canon dealing with organization, not with powers and functions. So far as the argument depends upon the opinion, it may safely be left to take care of itself. But one reason given for regarding this constitution as of an essentially different character from what is in this connection called the National Constitution, is that the National Constitution actually constructs or constitutes the nation; whereas the ecclesiastical constitution does not construct or constitute the Church, but is constituted or made a constitution by the Church, which exists of Divine right independently of all human constitutions; which is a reason very good to be refuted, but really good for nothing else. To speak of a constitution, considered as an instrument in writing, as having

* Bioren, pp. 8, 23.

† "Journals," Bioren's ed., pp. 61, 75.

a creative force, is an allowable use of language if it be understood that that force proceeds from the power by which the instrument is set forth; but certainly it can be no otherwise true that such an instrument creates or constitutes than that it is the evidence of the creative or constructive act—as we properly say that a deed is a conveyance, meaning only that it is the evidence of the act of a grantor. And if we look a little deeper, and regard a constitution not as a written instrument, but as the mode, or quality, or kind, or essential condition of the existence of any body politic or natural, we cannot say that the constitution creates the body, any more than that the body creates the constitution. The constitution in this view is an intrinsic property of the body, and is created with it by the same power which creates it. In either view, it is not strictly true, but true only by way of analogy, that the constitution creates a state or nation. It is indeed, the law of its organism, the organic law in accordance with which it operates; but that law is imposed upon it by the power which creates it. In itself, it neither has nor can have a creative force. And if we apply this to the Constitution of the United States, we must allow that this constitution did not create the Union, but is the written evidence of that exercise of power by which it was created. The same thing precisely is true of the constitution of the Ecclesiastical Union, which did not create that union, but is the written evidence of the exercise of that power by which it was created. And as to the Church being incapable of being constituted or constructed, that depends on the sense in which the word church is used.* If it be used in the

* "There is no word or term used either in any scientifical, moral, or popular discourse, which hath so many, so much different

sense of a society already Divinely constituted or constructed, of course it is incapable of *being* constituted because it *is* constituted. But if it be used in the sense of a body representatively composed, by the union of parts or portions having a lawful independent existence according to its original Divine constitution, then the Church in some certain form of its representative being is capable of being constituted, just as much as the State in some certain form is capable of being constituted. For it is as true of the State as it is of the Church, abstractly considered, that it exists of Divine right independently of all human constitutions. And though it be true that the form in which the State exists is not determined by the Divine Will, and that the form in which the Church exists is determined by the Divine Will, yet it does not follow that, in regard to such matters as formal association and representation of its constitutionally independent parts, the Church is less free than the State is; nor that it is less capable of being representatively constituted in some particular form and combination, or that being so constituted, it would cease to be the Church acting under certain conditions.

But, to descend from this somewhat rarefied metaphysical air to the atmosphere of more practical considerations, it is to be noted as a matter of fact, *first*, that at the time of the adoption of this written constitution of the Ecclesiastical Union the word "constitution" had a common and distinctly recognized political signification both in England and in this country; and that during the process of the formation of this Union—from

significations or importances, as the word *church* hath, whether we take it in the Greek, Latin, or English" (Jackson, Works, vol. xii., p. 7, ed. 1844).

1784 to 1789—the adoption of a constitution of the Union of the States was the pervading and prominent subject of discussion, and actually took place. There does not seem, therefore, any necessity for sending the founders of the Ecclesiastical Union back to the days of Otho and Othobon to look for a name for the instrument embodying the principles on which the Union was to act, when there was a name directly before them describing an instrument drawn to meet the case of the political union in the same States in which it was sought to unite the Church.

A *second* fact to be noted in this parallel is that in the process of the completion of the Ecclesiastical Constitution there appear certain changes in the plan of its construction correspondent to changes in constitutional provisions of the civil system.

The Civil Constitution was set forth by the convention which framed it in 1787, and the Ecclesiastical Constitution in 1789. Both instruments, indeed, have been subsequently amended; but they were respectively set forth at these several dates. There are various points of correspondence which will be noted hereafter, but what is noted at present is the correspondence between changes introduced into the proposed ecclesiastical plan, and changes previously introduced into the civil system.

In the draft Ecclesiastical Constitution of 1786, Article II. did not provide for a vote by orders; but, while permitting a clerical and lay representation, directed that, in all questions, the Church in each State should have one vote, and that a majority of suffrages should be conclusive. (Art. II.) This draft contemplated the General Convention only as one House, providing that in every State where there should be a Bishop who should have

acceded to the Constitution, such Bishop should be *ex officio* a member of that house. (Art. V.) *

The Constitution of the United States had not then been adopted. But the Articles of Confederation, which had been in existence since 1777, provided for the sitting of Congress as one House, and gave to each State one vote in that legislative body.

In 1789 (two years after the adoption of the United States Constitution) appears in the Ecclesiastical Constitution the provision for the two Houses of General Convention, and the giving of one vote to each order (clerical and lay) of the Church in a State, instead of one vote to the Church in each State, thus securing (though by a different method, more suitable to the plan of the Church) that triple consent to legislative action which the United States Constitution provided for in the concurrence of the two Houses of Congress with the executive, and which, though an idea of the English Constitution, had found no expression in the Articles of Confederation.

The correspondence of these changes in the ecclesiastical system with changes which had been previously accomplished in the civil system, indicates with sufficient plainness the model upon which the organic law of the ecclesiastical association was based; and suggests further the thought that the ecclesiastical system, after it had begun to be organized, passed like the civil system through the stage of confederacy before it finally entered upon the stage of union.

A *third* fact it is proper to note in connection with the parallel in regard to the organic law of the civil and

* Bioren, pp. 24, 25.

ecclesiastical unions, and that is, that there is a remarkable analogy between the mode by which that law in both cases was made capable of alteration. In the civil system it is provided that alterations in the Constitution are to be effected by the joint action of Congress and three-fourths of the States. (U. S. Const., Art. V.) In the ecclesiastical system such alterations are to be effected *in* General Convention, *by* the Church in a majority of the States which may have adopted the same; action taken in one General Convention to be notified to the several State Conventions, and ratified and agreed to in the ensuing General Convention.* In other words, the two systems contemplate (though with a difference in the process) substantially the same thing, viz.: the concurrent consent, to such alterations, of two classes of actors; the one being the legislative body, the other being a fixed proportion of the constituent elements of the Union represented in that body.

With regard to the question of powers conferred, as to which the analogy has been thought to be weak, it is to be observed that there is no reason to expect the same strictness and detail of specification in the constitution of an Ecclesiastical Union as would be necessary in the constitution of a Civil Union. Under the circumstances attending the constitutional establishment of the General Convention, much, no doubt, would be taken for granted. Some defects of arrangement might be overlooked, provided that the substantial purpose of union was attained. The feeling that those who were combining their ecclesiastical interests were all basing their lives upon professed principles of Christian love which would be a safeguard

* Bioren, p. 77 (Art. IX., of 1789).

against jealousies, animosities, and mutual exactions, might justly have weight. And the further feeling that, whatever difficulties might be in the way of formal union, whatever construction might be put upon formal provisions, the members of the Church in the several States were united already in the one Church of Christ's foundation, might account for some want of system. But beyond all cavil, the constitution established by the Dioceses is the sufficient evidence (1) of the creation of the General Convention, and of the gift to it of a Supreme Authority, and (2) of limitations both as to the sphere in which it is to operate, and as to the extent of its operation in that sphere.

Those who constituted the General Convention were competent to define and specify its powers; or to constitute it for a certain class of powers, and leave it unlimited in the exercise of them; or to constitute it for a certain class of powers, particularly specifying some, and to impose upon it certain limitations in the exercise of its powers. The last of these three courses is what appears to have been chosen. The constitution contemplates the General Convention as possessed of legislative power. The acts which are adopted are to have the operation of law. But there are limitations imposed by the constitution upon the exercise of this power. The consideration of Article II., as originally adopted in 1789, is sufficient to establish this principle. The article contains the most general grant of power which the representative body has received. The power, however, is not conveyed by the formal statement that the General Convention is authorized to do certain things, or all things of a certain kind, but it is, with equal effect, conferred in a different way; that is, by the abandon-

ment on the part of the Dioceses of any right of objection to acts of the General Convention consummated in the specified way. A fuller and more exclusive grant of power it would be difficult to make; and the only limitation upon it, so far as this article is concerned, is that the acts shall be adopted in the method prescribed.

There are, of course, other limitations, as well as powers specifically expressed; but having regard to the original act of adoption, as having the most direct bearing on the present question, the reference to this article and to Article III. is sufficient to show that in the formation of the ecclesiastical system, as well as of the civil system, powers of legislation were granted to a representative body, which establishes the substance of the analogy. If the Churches in the States were willing to trust more to their representative body, than the States had trusted to theirs, that surely is not out of harmony with the different character of the two powers: the substance of the analogy, nevertheless, holds here as elsewhere.*

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* Dr. Vinton ("Manual Commentary," pp. 79, 80) lays great stress upon the fact that ten canons were adopted by General Convention in August, 1789, as an evidence that that body possessed legislative authority over the whole Church throughout the country, independently of any derivation from the Church in the States through the constitution. He does not adduce the action as evidence merely of the *supremacy* of the legislative authority of General Convention, but he further infers and insists that these canons were imposed by the members of the General Convention by the "plenipotentiary and *original* powers of legislation by which they were invested by the *members* of the Church"; and that "General Convention had the authority in the premises as being the whole Protestant Episcopal Church in the United States in Council assembled."

If this were so, their action was binding upon the Church in Con-

(*c*) The third parallel noted is that of *representation*, in considering which it is chiefly desired to point out the

necticut. But this is manifestly untrue ; so, therefore, is the conclusion. But the argument and the evidence are alike inconclusive. For, (1) the canons were passed by the same body which had been already authorized by the Church in the States to ratify the constitution. It was for this reason that it was unnecessary to send the constitution back to the Church in the States for ratification, because the deputies were already, in advance, authorized to ratify ; and the constituent was under obligation to stand by the acts performed under such authority. (See resolution of 1786—Bioren, p. 26—and statement by Deputies in 1789—*Ib.* 48.) This is the precise distinction between the Convention of 1789 and previous conventions—that in 1789 the deputies were authorized to bind their constituents, whereas what was done before rested on recommendation. Nor does the fact that in some States a further ratification took place by subsequent action, which might have been for special reasons in those cases desirable, prevent the conclusion necessarily contained in the evidence of General Convention itself. The power to adopt a general constitution respecting both doctrine and discipline was what the deputies in General Convention of 1789 had received. They certainly might pass canons, by the power which they had to adopt a constitution, as the greater power includes the less ; but whenever under that power canons were adopted, they would bear relation to the constitution.

(2) In fact, however, the business of the constitution was first entered upon, and that these canons were passed before the adoption of the constitution as a whole, was simply a matter of convenience, because they were reported by committee as ready for adoption before the process of amendment to the constitution was completed —though, even so, actually on the same day both were adopted in their complete state ; and those articles which related to the law-making power were adopted before the canons.

The constitution was presented on the 1st day of August, twice read over, and seven of its nine articles were adopted, the remaining two being "postponed for the future consideration of this Convention." (Bioren, p. 52.) Among the articles so adopted were those that stood in the designated numbering—as they have stood ever since

substantial correspondence between the provisions made in the two systems to attain the expression of the will of

—as Articles II. and III. ; those, namely, which affect the question of *legislative* power ; and the resolution of adoption contains these (in this connection) very remarkable words in relation to the seven articles adopted : "THAT THEY BE A RULE OF CONDUCT FOR THIS CONVENTION." The two articles laid over for further consideration were the eighth and ninth, having reference to the Book of Common Prayer and the mode of altering the constitution, neither of which had any bearing upon the question of the power of the Convention to enact canons under the constitution. (Bioren, p. 52, pp. 61, 62.)

The Convention went into Committee of the Whole on canons *after* this date, and, as thus appears, under the authority of the constitution as to this point adopted, on the 5th and 6th days of August ; and the report of this committee, laid on the table August 6th, was acted on, and the proposed canons adopted August 7th. (Bioren, pp. 53, 55, 57.)

They are headed "Canons . . . agreed on and ratified in the General Convention . . . held . . . from the 28th day of July to the 8th day of August, 1789, inclusive." (*Ib.* 58.) Immediately after, on the same 7th day of August, the Convention considered the two articles of the constitution which had been postponed, agreed to them as amended, and ordered the whole constitution engrossed for signing. (*Ib.* 60.) And on the 8th day of August the constitution was accordingly read and signed. (*Ib.* 61–64.)

(3) After the amendment and republication of the constitution, October 2, 1789 (Bioren, pp. 75–78), these canons were reconsidered, and passed with sundry others. (Bishop White's "Memoirs," p. 30, p. 155.) And on the 16th day of October, having been collected into one body, and ratified by both Houses, they were directed to be entered in the Book of Records and printed with the Journal. (Bioren, p. 84.)

So that, in fact, the obligation of these ten canons—which appear to have been a sort of prohibitory decalogue to Dr. Vinton's acceptance of the proper relation of the legislative power of the Convention to the constitution—dates, so far as concerns certain churches not represented in the session of August, 1789, from the 16th day of October, or fourteen days after the adoption of the constitution by

their respective constituent parts, though this consideration incidentally includes what should be properly regarded as a fourth parallel, viz. : (*d*) that of *legislation.*

In comparing the two systems in this aspect of them, the student will observe that the General Convention corresponds to the Congress both in respect to its scheme of representation and to its requirement of the consent necessary for legislation, wherein it is noticeable that the same idea, derived from the British Constitution into the States and thence extended to the United States Government, of a triple consent necessary to the establishment of a law, is traceable in the General Convention, though not exactly in the same way.

In order to legislation in Congress there is necessary

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them. And, so far as concerns the Churches which were represented in the session of August, 1789, the obligation dates from the 7th day of August, or six days after the Convention, composed of "deputies from the several States," authorized "to confirm and ratify a general constitution, respecting both the doctrine and discipline of the," etc., had resolved that the articles affecting the legislative powers of the Convention be adopted, and "*that they be a rule of conduct for this Convention.*"

The case of these ten canons, then, which Dr. Vinton, following Judge Hoffman ("Law of the Church," p. 105), though with much less caution than is shown by that learned jurist, alleges to prove the legislative power of the General Convention independently of the constitution, and by virtue of the authority of that body as being the whole Church in the United States in Council assembled, is so far from furnishing evidence in support of this claim that it most distinctly establishes the contrary ; viz. : that the deputies in the Convention, acting for the Church in those States which were represented in it, exercised the legislative power under and by virtue of the constitution which their commission authorized them to adopt ; and which, when adopted, became their rule of action—being, what a constitution properly is, a law to the law-givers.

the consent of a Lower and an Upper House and also of the President, who has the power of a negative, by which he may, under certain limitations, prevent a joint act of the two Houses from becoming a law. Now, we find in the ecclesiastical system an Upper and a Lower House—the House of Bishops and the House of Deputies—the Lower House being composed of a two-fold representation of the Church in the dioceses by clerical and by lay deputies. And in order to the adoption of any law of this Convention, there is necessary the triple consent of the laity, the clergy, and the Bishops.

It is noticeable in this connection that the intent of the Ecclesiastical Constitution, as it was before the modifications with which it was finally adopted, was that the House of Bishops were to have no legislative powers, but were to act only as a House of Revision with a limited power of negative,* which indicates that the Bishops were then contemplated as a sort of combined Executive. And this conception of the Episcopate as an Executive appears to have been not entirely obliterated even after the position of the Episcopal House had been changed in 1789 to that of a coördinate branch of the Legislature, with the same right to originate and propose acts as was recognized in the other House ; for even then the power of the Bishops, as expressed in the constitution, is the power of a negative on the acts of the other House, to which is given the power to overrule that negative. It was not until some years later that the two Houses were placed in the constitution on a substantially equal footing ; and even then a trace of the former conception remained in the condition imposed upon the Bishops,

* "Journals Gen. Conv.," vol. i., pp. 61, 62 (Bioren).

that their disapprobation or non-concurrence should be handed down within three days, with their reasons in writing, a trace which is still waiting to be removed. But whether viewed as a branch of the Legislature or as representing the Executive, the concurrence of their consent with that of the clergy and laity in the Lower House constitutes the triple cord of legislative obligation which is characteristic of the civil system, both English and American, with which the founders of the ecclesiastical system were familiar.

That as to this matter of an Executive there should be some apparent discrepancy in the working out of the general correspondence of the ecclesiastical with the civil system, is not strange. The position of the single Bishop in his diocese would naturally take care of itself; at any rate, there was no occasion for the promoters of the Ecclesiastical Union to embarrass themselves with questions about that. But in providing for the union, there were more questions than one which might here arise. The course actually taken was that when the Convention was contemplated as one House, provision was made that a Bishop should preside (Art. V., 1786); and when the Convention came to be contemplated as two Houses, the framers contented themselves with lodging the negative in the Bishops collectively, leaving the question of presidency untouched.

The need, however, of this distinction for other purposes than that of the negative became soon apparent; and although no mention of a Presiding Bishop is made in the original constitution, yet in amended articles and subsequent canons that office is recognized; though the origin of it belongs not to any law of the Convention, but to the action of the Bishops in their own House: at

the very first session of which, its members, mindful of the caution of the Apostolic Canon that the Bishops of every nation should know him who is chief among them, designated the Bishop of oldest consecration as the president.*

There is another matter which must be taken into account as having a very direct and serious bearing, in point of principle, upon the parallels of representation and legislation.

It is often asserted without qualification—by some vaunted as a chief glory, by others decried as an evil disease of the body politic—that the American civil system, involving a popular government, involves also the supremacy of the will of the majority. Whether this be a glory or a disease—and that depends upon the understanding and use of it—the fact is certain. The rule is the rule of the majority. But what majority?

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* At the first session of the House of Bishops in October, 1789, there being then in the country Bishop Seabury, of Connecticut, consecrated in 1784, and Bishops White, of Pennsylvania, and Provost, of New York, consecrated in 1787, the former two alone being present; by the voluntary and very graceful concession of Bishop White the office was devolved upon Bishop Seabury on the principle of seniority of consecration. (White's "Memoirs," p. 148.) At the next session, Bishop Provost and Bishop Madison being also present, it was resolved that the presidency go by rotation, beginning from the north, whereby Bishop Provost presided. At the next session Bishop White presided in his turn. At the next session Bishop White presided in place of Bishop Madison, who was not present. Bishop Seabury having deceased, the rule was restored to that of seniority, by virtue of which Bishop White presided up to the time of his death, in 1836.—*Cf.* Vinton, "Man. Com.," pp. 84–87. *Cf.* also Bishop White's very interesting account of the transfer of the presidency from Bishop Seabury ("Memoirs," pp. 162, 163), and the extract from Bishop Seabury's journal printed in Beardsley's life of him, pp. 424, 425.

This is a question as to which neither the friends nor the enemies of the system are apt to give themselves much concern. Yet it is not only the important question in the controversy between them ; it is also the determining question as to the true character of the system.

The instinct of the churchman is apt to be conservative, and the conservative instinct shrinks from the idea of the majority rule. But the most conservative reader of the stately page of Bishop Beveridge finds nothing to shock him in the affirmation, that when we seek for the judgment of the Universal Church we find it, not in the expression of each individual member of the Church, but in the testimony of the major part of those qualified to bear witness in regard to it. Nor can reason or common sense question the wisdom of the maxim of the civil law that what the greater part of the court determines is to be taken as the determination of the court. If we imagine a council of Bishops coming to the decision of a question before them, the fact that the voices of the greater number prevail suggests nothing unjust. And so with regard to the action of any body or community, there is necessarily nothing intrinsically wrong or unjust in the determination of it by the majority of the members of that body or community. Any question which may rightly be subjected to the decision of any community may rightly be determined by the major part of that community.

But it is manifest also that there may be many considerations which would lead in practice to the qualification and limitation of this right. The inherent selfishness of men obscures their natural sense of justice, while their weakness predisposes the multitude to flock together in masses, under the influence of those who know how to

touch the springs of their selfishness; and hence the rights and interests of the minority, which is apt, as a rule, to include the better and wiser part of every community, would be in great danger of being sacrificed, or at least impaired, if no provision were made for their protection. It is obvious, too, that this danger would be enhanced by the magnitude of the community; and that in the smaller collections or groups of men there would be always both a better knowledge of the facts which concerned their well-being, and a better opportunity for the counsels of reason and wisdom to have their due weight and influence. And there is the further fact to be remembered, that in order to the attainment of the ends of justice, the interests of men are to be regarded as well as their persons; and it is possible that the real welfare of a community may depend upon the conservation of certain interests which are not personally in charge of every member of the community, in equal shares, and in the disposition of which, therefore, a merely numerical majority of all the members of the community could not safely or wisely be trusted.

We come thus to the thought that in a community widely extended and of diversified interests it is expedient, as a matter of wisdom and just government, that its affairs should be ordered by some other majority than that which is merely numerical, and which should be able to represent and express the concurrent consent of certain constituent parts or interests in that community. It would thus be possible that while the numerical majority of those who were concerned in any particular interest would direct the action and expression of those so concerned, yet the measure of the action and expression of the whole community would be, not the voice of

the numerical majority of all the individuals in that community, but the voice of the majority of the several constituencies or interests included in it; whereby a just power and influence would be given to the numerical majority in the place and sphere which belonged to it, while the rights and interests of the minority would nevertheless be, as far as possible, protected from the tyranny and injustice of mere irresponsible and unthinking numbers.

Perhaps the clearest illustration of the operation of a concurrent as distinguished from a merely numerical majority may be found in a simple confederacy. In the constituent parts of such a confederacy, representatives may be elected by numerical majorities in these parts respectively; yet the voice of the representative body is the voice of the majority of those constituent parts, and so the voice of the whole. But in a confederacy which united a few populous constituencies with a larger number of less populous constituencies, it is obvious that the voice of the whole jointly expressed in the representative body might be different from the will of the majority of individuals throughout all the constituent parts, who would, nevertheless, be bound by the concurrence of the constituencies. And it is easy to see that the same principle might be applied in a more perfect union, wherein, however, as it would be necessary to entrust the common government with larger and more direct powers, it would be also probable that the provisions for the application of the principle would be more varied and complex, and would require a nicer adjustment and relation of the numerical and concurrent majorities to each other.

It being understood, then, that the Republic of the

United States, involving a popular government, involves also the rule of the majority, it is to be said, in answer to the question as to the character of that majority, that it is not simply and absolutely the numerical majority of the citizens of that Republic, but that such numerical majority is qualified and limited by the power of a concurrent majority of certain interests or constituencies which are represented in its government; and that while there is room for the exercise of the just power and influence of the numerical majority in its proper place and sphere, yet that such provident care is had for the welfare of the numerical minority, as that the will of the numerical majority throughout the country may be held in check by the will of the concurrent majority of its various constituencies, not necessarily identical with it. It is this characteristic which distinguishes the Republic of the United States as much from a simply democratic or merely popular government as it is by this and other characteristics distinguished from a monarchy or an empire.

In evidence and illustration of this characteristic might be adduced the provision of the United States Constitution in regard to the election of the President, which displays at least a very careful endeavor to balance the claims of numerical and concurrent majorities, and which, as it withholds from the people, as a body, the right of election by a numerical majority, so also withholds from the States, in the first instance, the right of election by a majority of those constituencies, but provides for the choice by the people of each State of certain electors, by the vote of a numerical majority of the whole number of which electors the President is chosen; or, failing such choice—that is, if no one

receives a majority of such electoral votes—the three names which have received the largest number of electoral votes are submitted to the House of Representatives, by which the election of one of these three is made; the vote in this case being taken by States, two-thirds of the States being required to be represented, each State having one vote, and a majority of all the States being necessary to a choice.*

It will better accord, however, with the present purpose to note that in the legislative body the representation consists not merely of two Houses, the concurrence of which is necessary in order to legislation, but that in the composition of these two Houses two different kinds of representation are included, the senators representing the States as such, and the members of the other House, though chosen for and within the States respectively, yet chosen with reference to the population of the State from which they come, and as representative of people within that State, so that—in practice at least—they represent particular popular constituencies within the State, instead of being chosen, as the senators are, by the legislative body representing the State as a whole.† A vote taken

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* United States Const., Art. II., Sec. 1, and Art. XII. of the Amendments.

† United States Constitution, Art. I., Secs. 1, 2, 3.

"The Senate of the United States is composed of two senators from each State chosen by the legislature thereof, for six years, and each senator has one vote. . . . .

"In this part of the Constitution we readily perceive the feature of the old confederation. Each State has its equal voice and equal weight in the Senate, without any regard to disparity of population, wealth, or dimensions. This arrangement must have been the result of that spirit of amity and mutual concession, which was rendered indispensable by the peculiarity of our political condition. It is

upon a question might express, in the case of the representation of any State, by the uniting of all its members, or by their conformity to instructions received from their constituency, the will of the State so represented; and the combination of such expressions in a majority of States would result in the passage of a measure by such combination of States, which would not necessarily involve a numerical majority of all the citizens of the United States.* And, on the other hand, the members

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grounded on the idea of sovereignty in the States; and every independent community, as we have already seen, is equal by the law of nations, and has a perfect right to dictate its own terms, before it enters into a social compact. On the principle of consolidation of the States, this organization would have been inadmissible, for in that case each State would have been merged in one single and entire government. At the time the Articles of Confederation were preparing, it was attempted to allow the State an influence and power in Congress in a ratio to their numbers and wealth; but the idea of separate and independent States was at that day so strongly cherished that the proposition met with no success."—1 KENT'S *Commentaries*, p. 225.

* Men have often debated the question of the right of constituencies to instruct their representatives. The right is not here referred to as derived from any provision of constitutional law, but rather as one of those which are necessarily involved in the relation between the two parties on the general principles of agency. Every principal has the right to instruct his agent; and if the agent prefers his discretion to his instructions, he has the power to do so, and he may be held responsible for the preference, or the principal may approve the act as justifiable under the circumstances.

The constituency which has the right to elect constitutes the representative its agent—to *represent* and *act* for it; and if he be instructed to act in a certain way, and prefers to act in another way, he takes the responsibility of using his own discretion, instead of that of those who constituted him. Circumstances may justify such departure from instruction; but that cannot disprove the right

representing a State might, in either or both Houses, so vote individually that their vote, uniting with that of the representatives of States other than their own, would join in the expression of a popular will different from the popular will of their own State. The question of the probability of either of these courses being pursued is not so material as the question of its possibility; and this being recognized, it is obvious that in the American civil system the will of the numerical majority is always capable of being held in check by the will of the concurrent majority.

The correspondence of the ecclesiastical with the civil system has already been noted in respect to the constitution of two Houses and their necessary concurrence in legislative acts, and also in respect to the triple concurrence involved in this joint action. It must now be added that the correspondence extends further than this, and indicates in the ecclesiastical system a very firm grasp of this principle of the concurrent majority, and a very effective application of it in meeting the needs and obviating the difficulties involved in its formation.

Several apparent dangers were to be guarded against in providing a common government for the members of the Church scattered through the various States of the Union—the irresponsible dominion of Bishops over clergy and laity; the combination of Bishops and clergy

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to instruct, nor the right of censure upon disobedience. Neither can the fact that the personal membership of the electing constituency changes from time to time, destroy the identity of the constituency. The constituency, in the legal act of election under any settled and permanent system, has a continuous legal existence, irrespective of personal changes.

in a dominion over laity; the dominion of the laity over the clergy; the combination of a majority of Churches in some States over a minority in others—or, as we would now express it, the combination of a majority over a minority of Dioceses; the dominion of a numerical majority of all members of the Church in the States over a minority of the same. These were all possibilities to be guarded against in the framing of a representative system of government; and they were all anticipated, and as far as possible obviated, by an adherence to this principle of the concurrent majority. The Bishops can make no law without the concurrence of clergy and laity; the Bishops and clergy, no law without the concurrence of the laity; the laity, no law without the concurrence of the Bishops and clergy. The constitutional majority of the House of Deputies on legislative questions (as distinguished from the majority required in order to alterations of the constitution) is not a majority of Dioceses, but a majority of Dioceses represented by clergy, concurring with a majority of Dioceses represented by laity—quite a different matter. And in case this concurrent majority should happen to be coincident with a majority of Dioceses (which is as likely not to be as to be), such majority may still be controlled by a majority of Bishops, including (in the Episcopal representation of the Dioceses) the whole of the opposing minority. And, finally, the constitutional majority is not a numerical majority of deputies representing a majority of all members of the Church as against the Bishops, but a majority of those who represent one set of interests in the Church concurring with a majority of those who represent another set of interests. All of which seems to show that the correspondencies of representation and

legislation in the two systems were not the result of a mere superficial imitation on the part of the later of the two, but were the legitimate fruit of the clear comprehension of a common principle in all its essential bearings; and although analysis and not laudation is the purpose of these pages, yet they may be permitted to reproduce, what their author has before ventured to affirm, that in comprehensiveness of design and precision of expression the provisions of this Ecclesiastical Constitution on this subject may challenge comparison with any charter of any government of any kind; and that for the wisdom and power evinced by Bishop White in the conception and formulation of the plan embodied in that Constitution, he deserves to be immortal in the annals of statesmanship.*

(*e*) The parallel of the *judiciary* might be sufficiently disposed of with the remark that, as the framers of the Civil Constitution did not fully set forth their judicial system in that instrument, but left much to the deliberation of Congress in the future, so the framers of the Ecclesiastical Constitution did not find themselves in a position to establish a general ecclesiastical judiciary.

It is worth while to observe, however, that the course which was pursued by the latter, in relegating to the State or Diocesan Conventions the prescribing of the mode of trial of clergymen, involves two things which bear directly upon the subject in hand: (1) The pointed omission either to devolve judicial functions upon the General Convention which they were establishing, or to recognize their existence in the conventions in the States; and (2) the reservation of the legislative power

* *Cf.* "The System of Representation in General Convention," "Church Eclectic," October, 1889.

necessary to the lawful regulation of judicial functions to the Churches in the States. It was not until 1841 that the article of 1789, containing the provision to this effect, was put into its present shape, which shows a continued adherence to the same principles; the *legislative* power of regulating judicial functions so far as related to Bishops being then lodged in the General Convention, by giving to it the authority of *prescribing the mode* of trial in that case; and *the prescribing of the mode* of trial of Presbyters and Deacons being left where it had been from the beginning, in the State or Diocesan Convention.*

(*f*) The parallel of *development* is the last which need be noted in this connection, and, in treating of it, it is proposed to show, as briefly as may be possible—

(1) The correspondence in regard to the original extent of jurisdiction in the two systems; and

(2) The correspondence in the general policy used in the two systems in regard to the principles of the extension of that jurisdiction.

(1) The seventh article of the United States Constitution is as follows: "The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same."

It should hardly be necessary to offer an argument to show that jurisdiction, as contemplated by this Constitution, did not extend to any State not so ratifying the same. Really the language admits of no other interpretation, whatever inferences may be drawn by one school or another as to the capacity of ratification to produce an insoluble fusion of the peoples of previously existing

* Eccl. Const., Art. vi.

political entities, which inferences raise an entirely distinct question.*

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* "Although the Articles of Confederation required the consent of all the States for the least change in the Constitution, and the convention had only been authorized to consider a revision of these Articles, it had yet ventured, in its proposal for a radical reorganization of the Union, to adopt the provision that the new constitution should come into force as soon as it had been adopted by nine States. This did not involve any tyranny by a majority, because it was expressly provided that the ratification was to be good only for the ratifying States. In case four States, or less than four, did not ratify, they thus, *ipso facto*, cut themselves out of the Union until they thought good to enter it, or the other States, perhaps by force of irresistible necessity, compelled them to do so. But such compulsion certainly could have been tried with success only against the smaller States, and in that case, as we shall see later more closely, the whole fundamental law of the new federal power would have been shattered and racked in a terrible way."—VON HOLST, *The Constitutional Law of the United States*, p. 23.

The very learned author, in accord with this lucid statement, stigmatizes, as evidence of the untrustworthiness of another author, the assertion that "the fundamental law, according to Article VII., was to come into force for all the States represented in the Convention at Philadelphia, when nine of them approved it" (p. 23, *n.*). He himself, however, uses language which *seems* to imply exactly the same error, although it is difficult, in view of his foregoing statement, to think that the implication was intended: "March 4, 1789, the new federal powers came into existence, although North Carolina and Rhode Island had not yet adopted the Constitution. The legal position which these two States occupied in regard to the Union was not sharply insisted upon, because their delay could not be of any especial importance, and no one doubted that they would soon overcome their scruples" (p. 26).

It is possible, however, that this implication may have been an incidental result of the views of the writer as to the original unity of the people throughout the colonies. He regards the confederation, as between independent and sovereign States, as in itself a

Nor, although this express statement is absent from the Ecclesiastical Constitution, can it be necessary to repeat, what has been already demonstrated, that jurisdiction under it extended to such Churches in States as had adopted it, and to no others.

But it is necessary to remember that in both systems it was presumed that this jurisdiction would be extended and not remain restricted to its original elements.

Section 3 of the fourth article of the United States Constitution provides that "new States may be admitted by the Congress into this Union." And the fifth article of the Ecclesiastical Constitution of 1789 is as follows:

"A Protestant Episcopal Church in any of the United States, not now represented, may, at any time hereafter, be admitted, on acceding to this Constitution."

The difference which appears upon the face of these provisions is, that the admission of a new State must be by Congress, which may withhold its consent; whereas

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revolution; and the combination of the States in Union as simply a return to the original unity. He holds the States never to have been, in any proper sense, sovereign, but to have recognized in each other a sovereignty by common consent, for the purpose of constituting a Union which buried such common consent in a perpetual fusion. (*Cf.* pp. 3–32, 37–44.)

It might be a matter of some interest to inquire on what ground the sovereignty of an independent State anywhere in the civilized world rests, other than that of the common consent of those making the same claim with itself; but the inquiry is not to the present point; for neither the origin of the sovereignty, nor the operation of the constitution upon those States by which it was ratified, affects the fact that the Constitution was of force upon such States only as had ratified, and not upon others until they did ratify; as to which, notwithstanding his incidental implication on page 26, the other statements (p. 23) of the learned professor seem to leave no doubt.

the admission of a new member into the Ecclesiastical Union is, upon its accession to the Constitution, without the express requirement of the consent of General Convention. From which some have inferred that the General Convention has no voice in the admission of new members.* It would seem more consonant, however, to the civil analogy, to regard that provision as understood, if not expressed, and to suppose that the common authority of the Union should have been presumed to have the power of expressing that consent to the admission of a new member which it is the right of every association to give or withhold. But as the ecclesiastical framers left this to be matter of inference, and refrained from perfecting their civil analogy in this case, we may, perhaps, pass it by as one of the very few indications of that inequality of gait which is proverbially attributed to all analogies.

There appears, nevertheless, a substantial correspondence in the two constitutions in regard to the recognition of the extent of jurisdiction, and in regard to the purpose that this jurisdiction should be further extended.

(2) The correspondence in the general policy used in the two systems in regard to the principles of the extension of that jurisdiction appears—

(*a*) In the recognition of every newly admitted member of either Union as standing in the same relation to the Union itself, and to the other constituent parts of the Union, as if it had been one of the original constituent parts; and

(*b*) In the exercise of jurisdiction by each over depend-

* See an article of characteristic ability and brilliancy by the late Rev. Dr. J. H. Hopkins, on the question of the admission of Dakota, contributed to the "American Church Review," April, 1881.

ent districts or groups of individual members not being, as such, constituent parts of the Union.

(*a*) For the establishment of the first correspondence it is hardly necessary to do more than state the fact. Every State admitted into the Union becomes, by virtue of such admission, the equal in the political system of every unit in that system. Whether this be the result of a sort of fiction of law whereby that is reputed to be done which ought and is intended to be done, or the result of the accession of a previously independent sovereignty to an already existing association or union of sovereignties, the case is the same. The most extreme advocate of the sovereignty of the States, and the most extreme fusionist, appear to hold the same doctrine on that point.

And so far as the ecclesiastical system is concerned, there is no doubt as to the same doctrine in regard to the admission of Dioceses—Dioceses being legally and constitutionally the equivalent, under the existing system, of Churches within States in the system as originally founded, each Diocese having been originally conterminous with the State.* Every Diocese that is admitted on acceding to the Constitution, being the equal, in the

* In the General Convention of 1838 an amendment to the Constitution was adopted, whereby the word Diocese was made to take the place of the word State. The amendment resulted from the division of the Diocese of New York, which had hitherto been the Church in the State of New York, into the Diocese of New York and the Diocese of Western New York. The question raised by this first instance of division was settled by the amendment which recognized the Diocese as the equivalent in the system of the Church within the State; and incidentally sanctioned the converse of the proposition that the Church in the State was the diocesan unit in the system prior to the amendment.

system of the Church Representative, of every other Diocese, has the same rights under the system as if it had been originally one of its constituent parts ; a statement which will hardly be denied either by those with whom the acceptance of the supremacy of General Convention does not involve the acknowledgment of its inherent sovereignty, or by those who conceive of the Dioceses as existing only by permission of that body, and as enjoying an equality of no rights worth mentioning.

(*b*) The second correspondence is somewhat more difficult to state and explain, but it is, upon observation, sufficiently exact.

The civil system of the United States involves more than the federal union of distinct political parts. This federal union is the basis of the system ; but the system being founded, the community comes into political existence—legally and constitutionally, as well as morally—by virtue of it ; and that community as a whole, represented by its common government having direct and immediate jurisdiction within a certain sphere over the individual members of it, has certain common interests in which all its members are concerned, and of which the common government is the guardian and administrator.

In no respect is this more obvious than in regard to territory external to the limits of the constituent parts of the Union, whether that territory be regarded merely as property, or also as the place of residence of members of that community, coming originally from one of the States, but carrying with them the inherent privilege of membership in the community, and along with that the motive and expectation of having ultimately in that place of residence the advantage of the formation of the district

which contains it into a constituent part of the Union. The care of that territory, in either aspect or both aspects of it, devolves of necessity upon the general government; and in the exercise of that care it provides for and maintains territorial governments more or less assimilated to States in their political arrangement, but not possessing—as in the nature of things they could not possess—the rights of States as constituent members of the Union. The executive and judicial officers of such territories are appointed by the general government; and although they are incapable of representation in Congress in the proper and constitutional sense of the word, yet they are allowed by law a delegate who may speak for them in the House of Representatives, but who has no vote in that body.*

In like manner in the ecclesiastical system, although the federation of Dioceses was from the beginning its essential characteristic, yet the Church—even as the Church Representative—is something more than a federation. If the Ecclesiastical Union were desirable at all, it was desirable that it should be extended. If the grouping of Dioceses existing within the limits of the same civil government was in conformity with sound Church principle, it was in derogation of sound Church principle that any Diocese should, without the gravest reason touching the very life of the Church, hold itself aloof from that Union. And more than this, if there were scattering members of the Church in outlying districts which were not States, they could not consistently be left uncared for by the Church, any more than the districts themselves could be regarded as beyond the

* *Cf.* von Holst, "The Constitutional Law of the United States of America," pp. 175–184.

pale of the protection of the civil authority. Hence it came to pass that in connection with the Ecclesiastical Union, as well as with the Civil Union, and for the same general reason, there should be developed a system of dependencies which was in the beginning formally outside of the Union itself, but which in each case grew naturally out of the principles of the Union, although not entirely and specifically provided for by its Constitution.

In short, as the single Diocese was, in the system, contemplated as the Church in the State, so the Ecclesiastical Union was to be coextensive with the Civil Union; and though many a year was to pass before the formulation of the canonical maxim (Digest, Tit. I., can. 19, sec. vi. [4]), that the jurisdiction of this Church extends in right, though not always in form, to all persons belonging to it within the United States, yet no sooner was the formal organization complete in the majority of the States than the effort began to be made to reach out beyond the limits of these States. In the second regular General Convention (1792) it was resolved that a joint committee of both Houses be appointed to report a plan for supporting missionaries to preach the Gospel on the frontiers of the United States. And in 1808 a committee was appointed to address the Church in certain districts, with a view: (1) to urge Churches represented in General Convention to send regularly a deputation; (2) to invite the Church in every State in which it is organized, and which has not acceded to the Constitution, to accede to the same; (3) to invite the clergy and some of the most respectable lay members in the States and Territories, in which the Church has not been organized, to organize and accede to this Constitution. And

this committee was authorized, moreover, to consider and determine on the proper mode of sending a Bishop into said States and Territories, and in case of a reasonable prospect of accomplishing this object, to elect a suitable person to such Episcopacy, any three Bishops being authorized to consecrate such person on the proper certificates; *provided*, that the jurisdiction assigned to him should not interfere with the rights of any State or Diocese which should thereafter adopt the Constitution.*

The purport of these resolutions, besides its bearing upon the nature of the ecclesiastical system, very plainly indicates the policy of the General Convention in the process of extending the jurisdiction of the Union, and particularly the care which was, in that policy, to be taken of the interests of the Church in the outlying districts of the Union. From this beginning has been developed the whole of the missionary system, which, though a distinct system canonically grafted upon the system of the Church Representative, is yet in substance a dependence upon the community of the Ecclesiastical Union under the care of its general government. And although the later theory, induced by increasing earnestness in the fulfilment of missionary duty, has been that the whole Church is one great missionary society—which is perfectly true, when rightly understood—yet care has been taken to preserve the proper relations and distinctions in the work of that society in connection with the common government of the community organized in Ecclesiastical Union; the society, although actually of the same individual membership as the community, being nevertheless, as such, the chartered creation of the common gov-

* Bioren's "Journals of General Convention," p. 252. *Cf.* "The Church Cyclopædia," title, "General Convention."

ernment of that community, and having its constitution canonically imposed upon it.* So that not only the beginning of the missionary movement, but also the main course of its development, have been based upon principles entirely harmonious with principles of the Ecclesiastical Union corresponding with those of the Civil Union. And this parallel of development may be fairly said to be evinced not only in respect of conformity in principle, but also in respect of similarity in particular provisions; as may appear from the facts that the appointment of missionary Bishops, the rulers in the missionary dependencies, is made by the general government of the Church, and that the Church in the missionary jurisdictions is not entitled to representation by deputies in the General Convention, but has the privilege allowed to it of the sending of a delegation with right of speaking but without the power to vote—as is the case of the territories under the civil system.

It must not be concealed, however, that in tracing this parallel of development, notwithstanding the general correspondence in principle, and the similarity in particular provisions, there appears one notable difference, and that is that the dependencies in the ecclesiastical system have a certain kind of representation in the general government which they have not, and cannot have, under the civil system. This difference can hardly be said to preclude the parallel, because the nature of the representation is different from that of the civil system, and comes, not from the fact of the Ecclesiastical Union, but from the fact of the larger federation involved in the constitution of the Apostolic office. Representation in the civil system depends entirely upon the choice of the

* Digest, Title III., canon 7.

people, or election ; representation in the ecclesiastical system is, in its conformity to the civil system with which it is here brought into neighborhood, very largely —that is, in the case of clerical and lay deputies—in like manner dependent upon election. But there is, besides, the Episcopal representation, which is not dependent upon the election of Bishops as representatives, but upon their essential relation to their Episcopal jurisdictions.

Whether the Bishops are to be regarded as representing their Dioceses in the House in which, under this ecclesiastical system, they have their seats, is a point disputed. If by a representative is meant one who is chosen expressly for representation, the Bishops are of course not representative. They are not specifically delegated or empowered to represent anything. Not their order, because they are themselves constituent parts of it ; not their Dioceses, because they are not chosen or appointed by their Dioceses for that purpose. But, in another sense, they certainly are representative both of their order and their Diocese. They represent their order in their concurrence or disagreement with the representatives of other orders in the other House. They represent their Dioceses in their concurrence or disagreement with those with whom they are in conference in their own House, and who are there with special knowledge of the needs and interests of their respective Dioceses, and with the capacity to speak and act with a view to their benefit. This kind of representation is intrinsically involved in their official relations. They cannot be divested, in their own deliberations, of the character of representation, each one of his own Diocese ; and the influence of any Bishop in the House, is the influence of his Diocese in that House.

It follows from this principle, *first*, that where there are two or more Bishops in any Diocese (as in the case of Assistant Bishops, actually, and in the case of Bishops technically called suffragans, possibly), the balance of the Episcopal vote of the Dioceses in the Upper House is, in so far, impaired—some Dioceses having several Episcopal votes and others only one; and, *secondly*, that where there are Bishops having charge of dependencies of the Church exterior to the Dioceses, the presence of those Bishops in the Upper House, having—in that capacity—equal rights with the Diocesan Bishops, impairs, in so far, the balance of the Episcopal vote in the legislative body with the vote of the other orders in the Lower House.

With regard to the former of these two consequences, that is, the case of Assistant Bishops, it is perhaps within the letter of the Constitution. "The Bishop or Bishops in every Diocese shall be chosen agreeably to such rules as shall be fixed by the Convention of that Diocese," is the provision of the present Article 4, and the provision is found in all previous phases of the Constitution from its first draft in 1785 to the present time. Whether the original intention was to cover the possibility of Assistant Bishops, or the possible ultimate need of more Dioceses than one in a State, or merely the fact of the successive elections to the office which time and mortality must produce, is not apparent. As a matter of historical fact, the first Assistant Bishop, Dr. Moore, of New York, consecrated during the life of Bishop Provost, took his seat in the House of Bishops as a matter of course; and all subsequent Assistant Bishops have done the same thing. It is also a matter of historical fact that there has been from about the same period a canonical prohibition of the consecration of suffragan Bishops, technically so

called.* And therefore the only thing that in fact has impaired, in this aspect, the balance of the representation in the two Houses has been the occasional possession on the part of some Dioceses of more than one Episcopal vote; an arrangement which is obviously in each case not permanent, but transient and temporary.

It is, however, with the latter of these two consequences that we are concerned in the present parallel; and the bearing of it upon that parallel is obvious, and, so far as it goes, adverse to its perfection.

For in all the dependencies of the American ecclesiastical system—whether those of domestic missions, so called, that is, in American territories; or those of foreign missions, for the conversion of heathen; or those of members of this Church residing or sojourning in foreign countries, being by canon placed under designated Episcopal jurisdiction—while they have none of them a representative in the General Convention under the

* A Suffragan Bishop, *properly* so called, is a Diocesan Bishop in a Province; such Bishops being called to give their suffrages, or votes, in regard to matters to be considered in Synod or Council, in which original sense, the word suffragan is very suggestive of the federate character of such bodies. In its *technical* sense, as used in England and this country, the word refers to a Bishop constituted to act as a sort of deputy. This use of the term is derived from Statute of Parliament in the reign of Henry VIII., which provided for the constitution of Bishops in certain Sees, with a specified and limited local jurisdiction; such suffragans being by their consecration actually Bishops, but forbidden to exercise the power belonging to the office, except in the performance of certain functions. The office thus provided for in England, and prohibited by American canon, is really the same as that of the Chorepiscopus of ancient times—a Bishop, who acted in the outlying regions of the παροικία, and performed such acts of assistance in the minor functions of his office as the Bishop of the See required.

Ecclesiastical Constitution as constituent members of the Ecclesiastical Union, not being such constituent members, in which respect the parallel with the civil system holds, yet there is not actually a total want of representation, because the Bishops respectively charged with the care of these dependencies have a right, in that capacity, to speak and act for them in the House of Bishops. The domestic and foreign missionary Bishops representing their Episcopal jurisdictions in fact, and by the right to a seat in the House conferred upon them by canon * (not by the Constitution, wherein their existence was not originally contemplated, and from the later amendments to which they derive no such right), and having the canonical right not only to represent their jurisdictions, but also to vote on all questions, do, in so far, present a discrepancy in the parallel of development; for they show a policy different from that of the civil system in this respect, in development, though not in original constitution.

To account for this it is to be remembered that there has been a very general persuasion in the minds of venerable Bishops and other learned men that the Bishops did not sit in the General Convention as in any respect representative of their Dioceses, but as Bishops in the Church of God. It would be natural, then, that the feeling should prevail, and find expression in canons, that all the Bishops, as well Missionary as Diocesan, should be entitled to seats in the House of Bishops on equal terms.

Yet these canons—whether or not similar laws under the circumstances in the civil system would be decided

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* Digest, Tit. I., can. 19, sec. vi. [7], sec. vii. [2].

to be unconstitutional—are clearly an accretion upon the ecclesiastical system, as containing legislation not contemplated nor provided for in its Constitution. That the Bishops having charge of the dependencies should be received to speak for their own work and jurisdiction, would be quite in accordance with the principles of the ecclesiastical system; but that they should be admitted to an equal vote, and, much beyond this, to an equal share in the legislative function of the Episcopal House, is not legitimately to be inferred from these principles. The right cannot be deduced from a Constitution which was designed to be the organic law of the association of Dioceses, or Churches within States, which were the component parts of the Ecclesiastical Union. It would seem justifiable only on the principle that, by virtue of a larger federation than that based upon this Constitution, the Bishops come together in council to determine upon the common interest of the people entrusted to their care; and although this would be justifiable while the Bishops sit in council, yet it is quite different when they sit as members of one House of a body constituted to make laws for the whole number of its members. The powers of the Bishops as a council are one thing; their powers as a branch of the supreme legislature are another thing, and are limited as to the mode of their exercise by that Constitution, to the observance of which they are, in this ecclesiastical system, under as much obligation as any of its members. And while it must be allowed that the extension of the Episcopal representation by the admission of other than Diocesan Bishops to equal rights in the exercise of the function of legislation in this constitutional system involves, in so far, the imperfection of the parallel of development in the civil

analogy, as well as other inconveniences, yet it must be said that it involves also, in the same degree, a departure from the original principles of the Constitution of the Ecclesiastical Union.*

* The question of the representative character of the Bishops sitting as a House of General Convention should not be complicated with the question of the necessary quorum, as has sometimes been done, arguing from a position taken by Bishop White (Hawks, "Constitution and Canons," Arts. 2 and 3). The two questions are quite distinct.

In 1808, when the attendance on the House of Bishops, in fact, consisted only of Bishop White and Bishop Claggett, and when it had been anticipated that the latter would be prevented by indisposition from being present, Bishop White records ("Memoirs," p. 192) that he was prepared to maintain that a single Bishop may constitute a House. This he rests on two grounds: (1) As being the most agreeable to the letter of the Constitution. (2) Because in the instance named there could otherwise have been nothing done. In respect to both reasons the venerable Bishop may well be conceded to be right, without touching the representative character of such Bishop or Bishops as may attend. The instance would only prove that there was but one Diocese then represented in the Episcopal House, and that the others had not, in the case supposed, the same benefit.

What exactly may have been meant, however, by the plea that the sufficiency of one Bishop was the most agreeable to the letter of the Constitution, is not quite clear. The provision that when there should be three or more Bishops they should form a separate House (Art. III.), which seems to be the provision intended, might perhaps give reason for supposing that two out of three was the quorum contemplated by the Constitution, and Dr. Vinton argues to this effect ("Man. Com.," pp. 125–128). But it is difficult to see how, even under this very doubtful construction, a quorum of one would be most agreeable to the letter of the Constitution, unless on the ground that one was that number, under three, most near to two; which could hardly have been intended. If, however, by the letter of the Constitution the Bishop meant the provisions of the Constitution, it

On the whole, taking into consideration the antecedent history of the Church in this country, and the various parallels which have been in fact presented, it may justly be said, not only that the civil analogy in the representative system of this Church is plainly visible, but also that the system cannot thoroughly be understood without reference to that analogy; and, further, it may be said

might indeed be very fairly argued that, as the Constitution made no express requirement as to the Episcopal quorum, the matter was left to the Bishops, and, therefore, so long as the Episcopal House appeared in General Convention, the purpose of the Constitution was complied with, irrespective of the number present. The necessary interests of the Dioceses would be protected by the requirement of a representation of the Church in a majority of Dioceses by the clerical and lay deputies, which representation was in the beginning all that there was, and which in the original conception constituted the General Convention, the House of Bishops being an afterthought, grafted into a system first formulated without that feature, the due effect and proportion of which was only by degrees understood. And, although it is manifest that the question in its actual bearings, when every Diocese has its Bishop, is very different from the same question when there were only three or four Bishops in the country, yet it may very properly be held that, in the absence of any provision on the subject in the Constitution, the Episcopal quorum is within the regulation of the Episcopal House itself. But, irrespective of the number in attendance, the representative character of such as do attend is bound up with the nature of their relations, and cannot be obliterated except by such a definition of representation as dwarfs it to the measure of elected delegation.

Dr. Vinton, however, following Judge Hoffman, as is usual with him, and agreeing in this instance with Dr. Hawks, as is remarkably unusual, holds that the *virtute officii* principle excludes the idea of representation. The intelligent reader will, of course, judge for himself. Should he, however, concur with this view of these learned men, he will at the same time gratify the present writer by assenting to the removal of the very slight flaw in the perfection of his parallel of development.

that the analogy affords a remarkable testimony to the substantial agreement between the ideas which underlie the system of Catholic Episcopacy and the system of national unity of independent States with which it has been here associated.

PROPOSITION XXIII.

The Church Representative, in the American system here considered, exists in Dioceses which are combined in a Federative Union involving unity of authority over the individual members of its component parts and dependencies.

The Federal Union in this ecclesiastical system has been already explained, sufficiently, at least, for the understanding of the sense in which the term is used; and it has been shown not only to be conformable to the civil analogy in its essential qualities and many remarkable particulars, but also to have its foundations deeply laid in the principles of the Apostolic office, and thus to be, in principle, conformable to the will of the Divine Founder.

It is now important to consider somewhat more particularly, and in conclusion, three principles which are essential to the understanding of the system; and which, although they have already been implied or expressly stated, it is necessary, for the sake of clearness, distinctly to emphasize.

(1) The component parts of this Federal Union or Church Representative are the Dioceses.

It may be worth while to show here, for the satisfaction of those to whom this language may be unfamiliar, that it is not, as they may suppose, either new in itself or expressive of new ideas. The process of time and events has accustomed the Churchmen of the present day to a somewhat different terminology, which has led, as is often the case in other matters, to seriously differ-

ent conceptions of the nature of the thing described. But, so far from being a fond thing now vainly invented, the idea that the Dioceses are the component parts of the system described has certainly the sanction of very venerable authority, and authority which is associated with the beginning of its organization.

The interest manifested, in the very early days of the system, in the case of those members of the Church who dwelt in remote parts of the country, has already been noted. In the General Convention of 1814, Bishop White, then the Presiding Bishop, calls attention to the fact that in 1811 it had been devolved upon him, in connection with Bishop Madison, of Virginia, "to devise means for supplying the congregations of this Church west of the Allegheny Mountains with the ministration and worship of the same, and for organizing the Church in the Western States." In consequence of this the President had begun a correspondence with Bishop Madison, but all further progress was arrested by the decease of the said Right Reverend Brother. "This did not hinder the President from submitting to the Convention of this Church in Pennsylvania a proposal, which was complied with, designed so far to meet the desires of some members of this Church in the Western country, as that in the event of a settlement of a Bishop therein, the congregations in the western counties of the State might be under his superintendence ; on such a plan as would not affect the integrity of the Church, in the State of Pennsylvania, as a component member of the body of this Church throughout our Union, in contrariety to the Constitution."

What exactly was the nature of the plan proposed, the venerable President did not think it necessary to state ;

but it is obvious, from his account of the course which he had pursued, that the Church in the State of Pennsylvania was regarded as a component member of the body of this Church throughout the Union—that is, a component member of the Church conterminous with the Civil Union, or designed so to be ; and that a measure which should affect the integrity of that component part would be contrary to the Ecclesiastical Constitution. In other words, the Church in the State as a whole had a relation to the Ecclesiastical Union under the Constitution which no superintendence of any other Bishop than the Bishop of this Church in that State should be allowed to affect.*

The equivalence of the Diocese, in the existing system, to the Church in the State in the system as at first organized has been noted, and enough has been said in regard to the historical evidence that the Church in the State is a component member or constituent part of what Bishop White calls the body of this Church throughout our Union—that is, the Church Representative organized under the Constitution.

It is now to be noted that, according to the terms of this Constitution, the Dioceses are the only component parts recognized ; from which it will follow that the members of the Church in groups or districts not organized into Dioceses, and acceding in such organization to the Constitution, are not component parts of the Church Representative under this system, but are dependencies upon it.

The following citations are made from the existing Constitution, because in that the word Diocese is used.

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* Bioren's "Journals," pp. 311–312.

The provisions, unless otherwise noted, are precisely the same in the Constitution of 1789, except that the Diocese is designated as the Church in the State.

Article 1. "This Church, in a majority of the Dioceses which shall have adopted this Constitution, shall be represented, before they shall proceed to business."

Article 2. "The Church in each Diocese shall be entitled to a representation. . . . If the Convention of any Diocese should neglect or decline to appoint clerical . . . or lay Deputies, or if any of those . . . appointed should neglect to attend, or be prevented . . . such Diocese shall nevertheless be considered as duly represented by such Deputy . . . as may attend. And if through the neglect of the Convention of any of the Churches which shall have adopted or may hereafter adopt this Constitution, no Deputies, either lay or clerical, should attend at any General Convention, the Church in such Diocese shall nevertheless be bound by the acts of such Convention."

Article 3. "The Bishops of this Church, when there shall be three, or more, shall, whenever General Conventions are held, form a separate House."

Article 4. "The Bishop or Bishops in every Diocese shall be chosen agreeably to such rules as shall be fixed by the Convention of that Diocese."

Article 5. "A Protestant Episcopal Church in any of the United States, or any Territory thereof, not now represented, may, at any time hereafter, be admitted on acceding to this Constitution: and a new Diocese, to be formed from one or more existing Dioceses, may be admitted"—under certain restrictions.

Here the possibility of a Church in a Territory, as well as in a State, being represented is recognized. This

clause was not in the Constitution of 1789, but was added in 1838, so as to cover cases where organization in the Church as a Diocese might, as in some cases has happened, precede the civil organization necessary to constitute the district a State. But the possibility thus recognized is that of a Church so organized as to be capable of acceding to the Constitution, and of admission and representation under it.

Article 9. "This Constitution shall be unalterable unless in General Convention, by the Church, in a majority of the Dioceses which may have adopted the same."

These citations demonstrate that the Diocese is, under the Constitution, the constituency or component part of the representative system. It is the Church in the Diocese which is represented in the House of Deputies; and it is the Bishops of this Church so represented, who compose, under the Constitution, the House of Bishops.

It is, furthermore, the Church in a majority of the Dioceses which may have adopted the Constitution, to which alone belongs the power of altering the Constitution. The power must be exercised in the General Convention and not otherwise, but it belongs to the Church in the Dioceses to make, in the use of that means, such alteration; and there is no other power by which constitutionally it can be effected. The Bishops, clergy, and laity, acting in General Convention, or out of it, are not, as such, competent to this alteration: because, whether acting *en masse*, by the numerical majority of their whole number; or by the concurrence of the two Houses under the provision for legislation contained in Article 2, neither action would necessarily involve the consent of the Church in a majority of the Dioceses. Without the consent, in General Convention, of the Church in a majority

of the Dioceses which may have adopted the Constitution, that Constitution cannot constitutionally be altered. And if it be urged that this conclusion would require also the consent of the Bishops of those Dioceses which constitute the majority in the action taken in the Lower House, that does not prove the conclusion to be wrong. When the Constitution containing this article, the same as now, was adopted in October, 1789, it was signed not only by the representatives of the Dioceses in the Lower House, but also by two out of the three Bishops then in the country. Whence arose the presumption that the Bishops of the Dioceses had no voice, as such, in the consent of those Dioceses to the alteration of the Constitution? Certainly there is no reason why the Bishops should not have a voice in the action of their Dioceses in General Convention, when the action called for is, as in this case, distinctly Diocesan action. That such action was not expressly required in concurrence with the action of *elected* representatives, is probably due only to the fact that the scheme of the Constitution was completed in the conception of a representative body of clergy and laity, without strict regard to, or understanding of, the proper functions of Bishops, and that their connection with the system of the General Convention was not yet fully worked out. But as several misconceptions in this respect have been removed in the lapse of time, there is no reason why in due time this should not be removed also; in which event the provision of the Constitution as to its own alteration will be strictly carried out; instead of being, practically and in effect, accomplished by the concurrence of the majority of the House of Bishops with the majority of the Dioceses as represented in the Lower House.

The Church existing in the missionary jurisdictions does not exist in the form of Dioceses as that term is used and understood in the Constitution. It is not organized in Convention with a Bishop of its own choice. It has not acceded to the Constitution. It is not constitutionally entitled to representation, and is in no respect a properly component part of the Church Representative, but is simply a dependency of that Church ; a nursery, so to speak, for the training and development of future constituent members. That it has, in any respect, a representation in the supreme legislature of the common government, has been shown to be traceable not to the Constitution, but to canonical provisions of the General Convention out of harmony with that Constitution, and resulting either from want of attention to the essential distinction between legislative acts and the organic law by which the legislature itself is bound ; or from that persuasion entertained by many of the representatives of the Church, that the General Convention is the Church itself, and as such has at least as much power as the Parliament of Great Britain, whose only limit is the transmutation of sex. Such representation is at any rate an anomaly—one of those exceptional features which may be found in almost every system of government, and which are generally traceable to the operation of some special interest or influence, but which are none the less exceptions and anomalies not to be taken into account in ascertaining the true character of the system upon which it is an accretion.

(2) The union of these component parts constituting the Church Representative in this system is, in its association, a distinct being—a proper moral entity, capable of recognition, distinction, and operation.

As has already been observed, the federal union of Dioceses is essentially characteristic of this system, and yet it is more than a federation. The union is the basis and origin of the system, but by virtue of it the community comes into existence; so that there is a distinct being constituted—legally, socially, politically a distinct creation. Nothing seems better to describe it than the term moral entity. It is capable of recognition by its essential and constitutional characteristics. It is capable of distinction, being a different thing from the Church existing under any other form of representative being, and as such is capable of name and attributes. It is properly the Church Representative formed by the Ecclesiastical Union of the Church Catholic and Visible in the Dioceses which are its integral parts. It may be designated by any name which in its corporate action it may bestow upon itself. It is, in fact, called the Protestant Episcopal Church, and *this* Church for brevity. Whatever it may be convenient to call it, it exists in this or that Diocese, not as a substitute for the Catholic Church of Christ's foundation and Apostolic organization, but as the mode or means by which that Church operates in the state or condition of association. As so existing, it has properly a constitution, or organic law, by which it operates, and "in contrariety" to which it has no lawful power.

It has been much disputed whether this Constitution is the Constitution of the Church or the Constitution of General Convention. Properly speaking, it is neither. The dispute would settle itself if it could be understood that the Church in the Dioceses has an existence or being *as* associated. The Constitution is the Constitution of the Church so associated, the Constitution of the asso-

ciation or the community which comes politically into existence by virtue of the union ; and, as such, this Constitution regulates the powers of its supreme legislature, the General Convention, and constrains, limits, and obliges the Church in the Dioceses which have acceded to it. It is the organic law of the association, by which both the law-making power of the body, and its component parts, are bound.

(3) The common government of this association has direct and immediate authority over the individual members of its component parts and dependencies.

This authority results from those provisions of the Constitution whereby the acts of the General Convention, constitutionally performed, are made obligatory upon the Church in each Diocese, whether the consent of such Church has in any particular instance been given or not (Art. 2) ; and whereby such acts so performed are declared to have the operation of law (Art. 3).

In the exercise of this authority the General Convention acts, of course, under the limitations imposed by the Constitution ; and although its powers, as we have seen, are not specifically and in detail enumerated in that instrument, yet it is plain from its provisions that the General Convention is endowed with a supremacy of legislative power, subject to such limitations as are by the common consent of the constituent parts of the associated body incorporated into its Constitution. Under these limitations the General Convention appears to possess power to pass laws on any subject as to which a National Church is free to legislate for its members. It can pass any law which the Dioceses together or separately might pass for themselves, supposing them to be able to act together or separately. They do, indeed,

act together in all acts which the General Convention performs, under the Constitution and not contrary to the limitations which that instrument imposes. It acts for them; they act through it. When such action takes place, it is of superior obligation to the act of the Church in any Diocese. In respect to matters as to which there has been no such common action—that is, no action covered by the common consent of the Dioceses to the Constitution, or by constitutional legislation—the individual Diocese is free to act for itself in its own concerns. And what one Diocese may do for itself, two or more Dioceses may do for themselves, in regard to matters of joint interest, subject always to the paramount authority of the General Convention, acting, as before said, under the Constitution and within constitutional limits. The ability to pass laws obligatory upon all the Dioceses, and irrespective of the consent of individual Dioceses, resulting from the assent of all the Dioceses to the Constitution, is a check upon the power of individual Dioceses. The safety of the individual Diocese from overbearing action on the part of the General Convention lies in the principles of limitation embodied in the Constitution and in the moral force of a properly educated public opinion in the Church.* To say that these principles are not liable to be misapplied or perverted, or that there is no possibility of conflict of jurisdictions and confusion of obligations, or of misunderstanding and abuses, would be to say not only that the system was more than human, but also that it was more than divine. There is nothing that God or man has devised or created for human benefit that the heedlessness, the malice, or the stupidity

* *Cf.* "Church Cyclopædia," title *General Convention.*

of man cannot mar. But, all things considered, the system furnishes as solid a bulwark against the overflowing tide of these human tendencies as can well be conceived.

And, although it might savor too much of a truly American humility to say that it is better than any system which has ever thus far been conceived, yet it may justly be affirmed that what it needs for its own improvement is simply the right understanding and honest development of those elements of sound principle which it contains within itself, which it has derived from the providential influence upon it of entirely distinct and apparently opposing ideas, and in the use of which it has already done laudable service in the fulfilment of its most noble mission to harmonize the claims of the authority of the Church with the rights of constitutional liberty.

The possession of this direct and immediate power of the common government of a federal union over the individual members of its constituent parts is that which properly distinguishes such association from a mere confederation or league, in which the common government acts directly and immediately only upon the members of the league or federation, and indirectly and mediately through them upon the individuals comprised within them.

There is no more central thought than this in the understanding either of this ecclesiastical system or of the civil system within which it is established ; and the due appreciation of it makes clear the relation of the constituent parts to each other, and to the common government, and relieves the system from any just imputation of weakness or inherent tendency to disintegration.

Authority without limitation or restraint is despotism; unrestrained liberty to obstruct and reject authority is anarchy. But supreme authority over the individual members of a community, exercised under the restraints and limitations imposed by a Constitution, unalterable at the will of the governing body, and only upon the consent of those component parts of the community by which it has been established, is a possession which endows the system which is so happy as to enjoy it, with qualities at once the most efficacious and lasting, and the most endearing to the patriotic heart.

And as, by the singular care and blessing of Almighty God, this beneficent characteristic is shared alike by the ecclesiastical system which we have been considering and by the civil system to which it is so near akin, it is neither unnatural nor unbecoming that each should be, to those who share the benefits of both, the object of a loyal and reverent regard.

APPENDIX A.

ABSTRACT FROM PUFFENDORF'S ESSAY REFERRED TO UNDER PROPOSITION I.

Entities, according to this author, are either Natural or Moral.

Natural Entities are beings created, which have certain natural or inherent qualities, and operate (1) without reflection, *e.g.*, plants; (2) with imperfect reflection, *e.g.*, brutes; (3) by peculiar light of understanding, *e.g.*, man.

Moral Entities are beings, or states of being, imposed after creation by superior understanding, chiefly for the regulation of the human will; originally by God, in part also by man. These are (I.) framed with analogy to substance, and called moral persons; or (II.) really and formally modes.

I. Moral Persons are (1) simple or (2) compound.

1. Simple moral persons are (*A*) public or (*B*) private.

(*A*) Public are (*a*) civil, *e.g.*, governor; or (*b*) ecclesiastical, *e.g.*, bishop.

(*B*) Private, according to position, *e.g.*, merchant, mechanic, etc.

2. Compound moral persons, where several individuals are so united as to have one will, are (*A*) public or (*B*) private.

(*A*) Public are either (*a*) civil or (*b*) sacred.

(*a*) Civil are either general, *e.g.*, states or kingdoms; or peculiar, *e.g.*, parliaments.

(*b*) Sacred are also either general, *e.g.*, Church Catholic, or particular churches; or peculiar, *e.g.*, synods or councils.

(*B*) Private, *e.g.*, colleges, corporate bodies which are persons in the eye of the law, and are civil or sacred, according to their object.

II. Moral Entities, which are really and formally modes, are (1) either modes of estimation, as a person or thing is rated or valued, called also quantities ; or (2) modes of affection, as one is affected in such and such a way, called also qualities.

Modes of affection are (1) formal, called also attributes, *e.g.*, a title ; (2) operative, qualities which work tending to produce certain effects.

2. Operative are those of (*A*) power, (*B*) right, (*C*) obligation.

(*A*) Power, ability to act with a moral effect over (*a*) ourselves—liberty ; (*b*) our own things—property ; (*c*) persons of others—empire or command ; (*d*) things of others, *e.g.*, hiring.

(*B*) Right, moral quality by which we justly obtain government or possession, being either (*a*) active, as by virtue of it we acquire from others ; or (*b*) passive, as we may lawfully receive from others—involving (*α*) no obligation to bestow, *e.g.*, a gift ; (*β*) moral obligation to bestow, called right of desert ; (*γ*) right to exact.

(*C*) Obligation, by which a man is placed under a moral necessity to perform anything.

APPENDIX B.

FUNDAMENTAL PRINCIPLES AND DRAFT CONSTITUTION OF 1785.

Extract from Bishop White's Statement prefixed to Bioren's Reprint of General Convention Journals.

"In pursuance of preceding correspondence, there assembled some of the Clergy of New York, of New Jersey, and of Pennsylvania, in the city of New Brunswick, New Jersey, in May, 1784: And there being a few respectable Lay members of the Church attending on public business in the same city, their presence was desired. The immediate object of the meeting, was the revival of a charitable corporation, which had existed before the Revolution; clothed with corporate powers, under the government of each of the said three Provinces. The opportunity was improved by the Clergy from Pennsylvania, of communicating certain measures recently adopted in that State, tending to the organizing of the Church throughout the Union. The result was, the inviting of a more general meeting in the ensuing October, at the City of New York: that being the time and place, wherein, according to the charter of the above mentioned corporation, their next meeting should be held. It was accordingly held, for the revival of the corporation: And there appeared Deputies, not only from the said three States, but also from others; with the view of consulting on the existing exigency of the Church. The greater number of these Deputies, were not vested with powers for the binding of their constituents: And therefore, although they called themselves a Convention, in the lax sense in which the word had been before used, yet they were not an organized body. They did not consider themselves as such: And their only act, was the issuing of a recommendation to the Churches in the several States, to unite under a few articles to be considered as fundamental. These are the articles

referred to, but not printed in the first Journal; and . . . are as follow:

"1. That there shall be a general convention of the Episcopal Church in the United States of America.

"2. That the Episcopal Church in each state, send deputies to the convention, consisting of clergy and laity.

"3. That associated congregations, in two or more states, may send deputies jointly.

"4. That the said Church shall maintain the doctrines of the Gospel, as now held by the Church of England; and shall adhere to the liturgy of the said church, as far as shall be consistent with the American revolution, and the constitutions of the respective states.

"5. That in every state, where there shall be a Bishop duly consecrated and settled, he shall be considered as a member of the convention ex officio.

"6. That the clergy and laity, assembled in convention, shall deliberate in one body, but shall vote separately: and the concurrence of both shall be necessary to give validity to every measure.

"7. That the first meeting of the convention shall be at Philadelphia, the Tuesday before the feast of St. Michael next; to which it is hoped and earnestly desired, that the Episcopal Churches in the respective states will send their clerical and lay deputies; duly instructed and authorized to proceed on the necessary business, herein proposed for their deliberation."—*Preface to Bioren's "Journals."*

Extract from Journal of 1785 (Bioren, p. 8), Tuesday, 4th of October.

"A General Ecclesiastical Constitution of the Protestant Episcopal Church in the United States of America.

"WHEREAS, in the course of Divine Providence, the Protestant Episcopal Church in the United States of America is become independent of all foreign authority, civil and ecclesiastical:

"And whereas, at a meeting of Clerical and Lay Deputies of the said Church in sundry of the said states, viz. in the states of Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, and Maryland, held in the City of New York, on the 6th and 7th days of October, in the year of our Lord 1784, it was recommended to this Church in the said states represented as aforesaid, and proposed to this Church in the states not represented, that they should send Deputies to a Convention to be held in the city of Philadelphia on the Tuesday before the feast of St. Michael in this present year, in order to unite in a Constitution of Ecclesiastical government, agreeably to certain fundamental principles, expressed in the said recommendation and proposal:

"And whereas, in consequence of the said recommendation and proposal, Clerical and Lay Deputies have been duly appointed from the said Church in the states of New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and South Carolina:

"The said Deputies being now assembled, and taking into consideration the importance of maintaining uniformity in doctrine, discipline and worship in the said Church, do hereby determine and declare,

"I. That there shall be a General Convention of the Protestant Episcopal Church in the United States of America, which shall be held in the City of Philadelphia on the third Tuesday in June, in the year of our Lord 1786, and for ever after once in three years, on the third Tuesday of June, in such place as shall be determined by the Convention; and special meetings may be held at such other times and in such place as shall be hereafter provided for; and this Church, in a majority of the states aforesaid, shall be represented before they shall proceed to business; except that the representation of this Church from two states shall be sufficient to adjourn; and in all business of the Convention freedom of debate shall be allowed.

"II. There shall be a representation of both Clergy and

Laity of the Church in each state, which shall consist of one or more Deputies, not exceeding four, of each order; and in all questions, the said Church in each state shall have one vote; and a majority of suffrages shall be conclusive.

"III. In the said Church in every state represented in this Convention, there shall be a Convention consisting of the Clergy and Lay Deputies of the congregation.

"IV. 'The Book of Common Prayer, and Administration of the Sacraments, and other Rites and Ceremonies of the Church, according to the use of the Church of England,' shall be continued to be used by this Church, as the same is altered by this Convention, in a certain instrument of writing passed by their authority, entituled 'Alterations of the Liturgy of the Protestant Episcopal Church in the United States of America, in order to render the same conformable to the American Revolution and the constitutions of the respective states.'

"V. In every state where there shall be a Bishop duly consecrated and settled, and who shall have acceded to the articles of this General Ecclesiastical Constitution, he shall be considered as a member of the Convention ex officio.

"VI. The Bishop or Bishops in every state shall be chosen agreeably to such rules as shall be fixed by the respective conventions; and every Bishop of this Church shall confine the exercise of his Episcopal office to his proper jurisdiction; unless requested to ordain or confirm by any Church destitute of a Bishop.

"VII. A Protestant Episcopal Church in any of the United States not now represented, may at any time hereafter be admitted, on acceding to the articles of this union.

"VIII. Every Clergyman, whether Bishop, or Presbyter, or Deacon, shall be amenable to the authority of the Convention in the state to which he belongs, so far as relates to suspension or removal from office; and the Convention in each state shall institute rules for their conduct, and an equitable mode of trial.

"IX. And whereas it is represented to this Convention to be the desire of the Protestant Episcopal Church in these

states, that there may be further alterations of the Liturgy than such as are made necessary by the American revolution; therefore the 'Book of Common Prayer, and Administration of the Sacraments, and other Rites and Ceremonies of the Church, according to the use of the Church of England,' as altered by an instrument of writing, passed under the authority of this Convention, entituled 'Alterations in the Book of Common Prayer, and Administration of the Sacraments and other rites and Ceremonies of the Church, according to the use of the Church of England, proposed and recommended to the Protestant Episcopal Church in the United States of America,' shall be used in this Church, when the same shall have been ratified by the Conventions which have respectively sent Deputies to this General Convention.

"X. No person shall be ordained or permitted to officiate as a Minister in this Church, until he shall have subscribed the following declaration: 'I do believe the Holy Scriptures of the Old and New Testament to be the Word of God, and to contain all things necessary to salvation; and I do solemnly engage to conform to the doctrines and worship of the Protestant Episcopal Church, as settled and determined in the Book of Common Prayer, and Administration of the Sacraments, set forth by the General Convention of the Protestant Episcopal Church in these United States.'

"XI. This General Ecclesiastical Constitution, when ratified by the Church in the different states, shall be considered as fundamental; and shall be unalterable by the Convention of the Church in any state."

APPENDIX C.

THE SECOND OR AMENDED DRAFT CONSTITUTION, 1786. (BIOREN, PP. 23–26.)

"A General Constitution of the Protestant Episcopal Church in the United States of America.

"WHEREAS, in the course of divine Providence, the Protestant Episcopal Church in the United States of America is become independent of all foreign authority, civil and ecclesiastical:

"And whereas, at a meeting of clerical and lay Deputies of the said Church in sundry of the said States, viz. in the states of Massachusetts, Rhode Island, Connecticut,* New York, New Jersey, Pennsylvania, Delaware and Maryland, held in the city of New York on the 6th and 7th days of October, in the year of our Lord 1784, it was recommended to this Church in the said States represented as aforesaid, and proposed to this Church in the States not represented, that they should send Deputies to a Convention to be held in the city of Philadelphia on the Tuesday before the feast of St. Michael in the year of our Lord, 1785, in order to unite in a constitution of Ecclesi-

* "It is proper to remark, that although a clergyman appeared at this meeting, on the part of the Church in Connecticut, it is not to be thought, that there was an obligation on any in the state to support the above principles; because Mr. Marshall" [the clergyman indicated] "read to the assembly a paper, which expressed his being only empowered to announce, that the Clergy of Connecticut had taken measures for the obtaining of an Episcopate; that until their design in that particular should be accomplished, they could do nothing; but that as soon as they should have succeeded, they would come forward with their bishop, for the doing of what the general interests of the Church might require."—BISHOP WHITE'S *Memoirs*, p. 81.

astical Government agreeably to certain fundamental principles, expressed in the said recommendation and proposal.

"And whereas, in consequence of the said recommendation and proposal, Clerical and Lay Deputies have been duly appointed from the said Church in the states of New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia and South Carolina: The said Deputies being now assembled, and taking into consideration the importance of maintaining uniformity in doctrine, discipline, and worship in the said Church, do hereby determine and declare;

"I. That there shall be a general Convention of the Protestant Episcopal Church in the United States of America, which shall be held in the city of Philadelphia on the third Tuesday in June, in the year of our Lord 1786, and forever after once in three years on the fourth Tuesday of July, in such place as shall be determined by the Convention; and special meetings may be held at such other times, and in such place, as shall be hereafter provided for; and this Church, in a majority of the states aforesaid, shall be represented before they shall proceed to business; except that the representation of this Church from two states shall be sufficient to adjourn; and in all business of the Convention, freedom of debate shall be allowed.

"II. There shall be a representation of both Clergy and Laity of the Church in each state, which shall consist of one or more deputies, not exceeding four, of each order, chosen by the Convention of each state; and in all questions, the said Church in each state shall have but one vote; and a majority of suffrages shall be conclusive.

"III. In the said Church in every state represented in this Convention, there shall be a convention consisting of the Clergy and Lay Deputies of the congregations.

"IV. 'The Book of Common Prayer, and Administration of the Sacraments, and Rites and Ceremonies of the Church, according to the use of the Church of England,' shall be continued to be used by this Church, as the same is altered by this Convention, in a certain instrument of writing passed

by their authority, entituled 'Alterations of the Liturgy of the Protestant Episcopal Church in the United States of America, in order to render the same conformable to the American revolution and the constitutions of the respective states.'

"V. In every state where there shall be a Bishop duly consecrated and settled, and who shall have acceded to the articles of this Ecclesiastical constitution, he shall be considered as a member of the General Convention ex officio; and a Bishop shall always preside in the General Convention, if any of the episcopal order be present.

"VI. The Bishop or Bishops in every state, shall be chosen agreeably to such rules as shall be fixed by the convention of that state: and every Bishop of this Church shall confine the exercise of his episcopal office to his proper jurisdiction: unless requested to ordain or confirm, or perform any other act of the episcopal office, by any church destitute of a Bishop.

"VII. A Protestant Episcopal Church, in any of the United States not now represented, may at any time hereafter be admitted, on acceding to the articles of this union.

"VIII. Every Clergyman, whether Bishop or Presbyter, or Deacon, shall be amenable to the authority of the Convention in the state to which he belongs, so far as relates to suspension or removal from office; and the Convention in each state shall institute rules for their conduct, and an equitable mode of trial. And at every trial of a Bishop, there shall be one or more of the episcopal order present; and none but a Bishop shall pronounce sentence of deposition or degradation from the ministry on any Clergyman, whether Bishop, or Presbyter, or Deacon.

"IX. And whereas it is represented to this Convention, to be the general desire of the Protestant Episcopal Church in these states, that there may be further alterations of the Liturgy than such as are made necessary by the American revolution; therefore 'The Book of Common Prayer and Administration of the Sacraments, and other rites and ceremonies, as revised and proposed to the use of the Protestant Episcopal Church, at a Convention of the said Church in the States of New York,

New Jersey, Pennsylvania, Delaware, Maryland, Virginia and South Carolina,' may be used by the Church in such of the states as have adopted or may adopt the same in their particular Conventions, till further provision is made, in this case, by the first General Convention which shall assemble with sufficient power to ratify a Book of Common Prayer for the Church in these states.

"X. No person shall be ordained, until due examination had by the Bishop and two Presbyters, and exhibiting testimonials of his moral conduct for three years past, signed by the Minister and a majority of the Vestry of the church where he has last resided; or permitted to officiate as a Minister in this Church until he has exhibited his letters of ordination, and subscribed the following declaration—'I do believe the Holy Scriptures of the Old and New Testament to be the word of God, and to contain all things necessary to our salvation: And I do solemnly engage to conform to the doctrines and worship of the Protestant Episcopal Church in these United States.'

"XI. The Constitution of the Protestant Episcopal Church in the United States of America, when ratified by the Church in a majority of the states assembled in General Convention, with sufficient power for the purpose of such ratification, shall be unalterable by the Convention of any particular state, which hath been represented at the time of such ratification."

APPENDIX D.

CONSTITUTION AS ADOPTED IN SESSION OF AUGUST 8, 1789, AND IN SESSION OF OCTOBER 2, 1789.

N. B.—The differences between the Constitutions recorded in the Journal as of August and of October, 1789, are here to be observed by comparison of parallel columns. Except as noted in the right-hand column, the Constitution of October is the same as that which had been adopted in August. (Bioren, pp. 61–63, 75–77.)

August, 1789.	*October*, 1789.
A General Constitution of the Protestant Episcopal Church in the United States of America.	The Constitution of the Protestant Episcopal Church in the United States of America.
Art. 1. THERE shall be a General Convention of the Protestant Episcopal Church in the United States of America, on the first Tuesday of August, in the year of our Lord 1792, and on the first Tuesday of August, in every third year afterwards in such place as shall be determined by the Convention; and special meetings may be called at other times, in the manner hereafter to be provided for; and this Church, in a majority of the states which shall have adopted this constitution, shall be represented, before they shall proceed to business: except that	second Tuesday of September, in the year of our Lord 1792, and on the second Tuesday of September in every third year afterwards

August, 1789.

the representation from two states shall be sufficient to adjourn; and in all business of the Convention, freedom of debate shall be allowed.

Art. 2. The church in each state shall be entitled to a representation of both the Clergy and the Laity, which representation shall consist of one or more deputies, not exceeding four of each order, chosen by the Convention of the state; and in all questions, when required by the Clerical, or Lay representation from any state, each order shall have one vote; and the majority of suffrages by states shall be conclusive in each order, provided such majority comprehend a majority of the states represented in that order: The concurrence of both orders shall be necessary to constitute a vote of the Convention. If the Convention of any state should neglect or decline to appoint clerical deputies, or if they should neglect or decline to appoint lay deputies, or if any of those of either order appointed should neglect to attend, or be prevented by sickness or any other acci-

October, 1789.

and,

August, 1789.

dent, such state shall, nevertheless be considered as duly represented by such deputy or deputies as may attend, whether lay or clerical. And if, through the neglect of the Convention of any of the churches which shall have adopted, or may hereafter adopt this constitution, no deputies, either lay or clerical, should attend at any general convention, the church in such state shall nevertheless be bound by the acts of such Convention.

Art. 3. The Bishops of this church, when there shall be three or more, shall, whenever general conventions are held, form a house of revision, and when any proposed act shall have passed in the general convention, the same shall be transmitted to the house of revision, for their concurrence. And if the same shall be sent back to the Convention, with the negative or non-concurrence of the house of revision, it shall be again considered in the General Convention, and if the Convention shall adhere to the said act, by a majority of three-fifths of their body, it

October, 1789.

General Convention;

Art. 3. The Bishops of this church, when there shall be three or more, shall, whenever General Conventions are held, form a separate House, with a right to originate and propose acts, for the concurrence of the House of Deputies, composed of Clergy and Laity; and when any proposed act shall have passed the House of Deputies, the same shall be transmitted to the House of Bishops, who shall have a negative thereupon, unless adhered to by four-fifths of the other House; and all acts of the Convention shall be authenticated by both Houses. And, in all

August, 1789.

shall become a law to all intents and purposes, notwithstanding the non-concurrence of the house of revision; and all acts of the Convention shall be authenticated by both houses. And in all cases, the house of Bishops shall signify to the Convention their approbation or disapprobation, the latter with their reasons in writing, within two days after the proposed act shall have been reported to them for concurrence, and in failure thereof it shall have the operation of a law. But until there shall be three or more Bishops, as aforesaid, any Bishop attending a General Convention shall be a member ex officio, and shall vote with the Clerical Deputies of the state to which he belongs: And a Bishop shall then preside.

Art. 4. The Bishop or Bishops in every state shall be chosen agreeably to such rules, as shall be fixed by the Convention of that state: And every Bishop of this Church shall confine the exercise of his Episcopal office to his proper diocese or district, unless requested to

October, 1789.

cases, the House of Bishops shall signify to the Convention their approbation or disapprobation (the latter, with their reasons in writing) within three days after the proposed act shall have been reported to them for concurrence; and, in failure thereof, it shall have the operation of a law. But until there shall be three or more Bishops, as aforesaid, any Bishop attending a General Convention shall be a member, *ex officio*, and shall vote with the clerical deputies of the state to which he belongs; and a Bishop shall then preside.

rules as

church
episcopal

district;

August, 1789.	*October*, 1789.
ordain, or confirm, or perform any other act of the Episcopal office, by any Church destitute of a Bishop.	episcopal church
Art. 5. A Protestant Episcopal Church in any of the United States, not now represented, may, at any time hereafter, be admitted, on acceding to this constitution.	
Art. 6. In every state, the mode of trying Clergymen shall be instituted by the Convention of the Church therein. At every trial of a Bishop, there shall be one or more of the Episcopal order present; and none but a Bishop shall pronounce sentence of deposition or degradation from the ministry on any Clergyman, whether Bishop, or Presbyter, or Deacon.	clergymen church episcopal
Art. 7. No person shall be admitted to holy orders, until he shall have been examined by the Bishop, and by two Presbyters, and shall have exhibited such testimonials and other requisites, as the canons, in that case provided, may direct. Nor shall any person be ordained, until he shall have subscribed the following declaration: "I do believe the	Bishop and ordained until

August, 1789.	*October*, 1789.
holy scriptures of the Old and New Testament to be the word of God, and to contain all things necessary to salvation: And I do solemnly engage to conform to the doctrines and worship of the Protestant Episcopal Church in these United States." No person ordained by a foreign Bishop shall be permitted to officiate as a minister of this church, until he shall have complied with the canon or canons in that case provided, and have also subscribed the aforesaid declaration.	Minister of this Church,
Art. 8. A Book of Common Prayer, Administration of the Sacraments, and other Rites and Ceremonies of the Church, articles of religion, and a form and manner of making, ordaining and consecrating Bishops, Priests and Deacons, when established by this or a future General Convention, shall be used in the Protestant Episcopal Church in these states, which shall have adopted this Constitution.	A book of common prayer, administration of the sacraments, and other rites and ceremonies of the church,
	those states
	constitution.
Art. 9. This Constitution shall be unalterable, unless in General Convention, by the Church in a majority of the states, which may have adopt-	constitution
	church

August, 1789.

ed the same; and all alterations shall be first proposed in one General Convention, and made known to the several State Conventions, before they shall be finally agreed to or ratified in the ensuing General Convention.

In General Convention, in Christ Church, Philadelphia, August the eighth, one thousand seven hundred and eighty nine.

William White, D.D. Bishop of the Protestant Episcopal Church in the Commonwealth of Pennsylvania, and President of the Convention.

New York, Abraham Beach, D.D. Assistant Minister of Trinity Church, in the city of New York, etc.

New Jersey, William Frazer, etc.

Pennsylvania, Samuel Magaw, D.D., etc.

Delaware, Joseph Couden, A.M., etc.

Maryland, William Smith, D.D., etc.

October, 1789.

same:

Conventions before agreed to, or ratified,

Done in General Convention of the Bishops, Clergy and Laity of the Church, the second day of October, 1789, *and ordered to be transcribed into the Book of Records, and subscribed, which was done as follows, viz.*

In the House of Bishops.

Samuel Seabury, D.D. Bishop of Connecticut.

William White, D.D. Bishop of the Protestant Episcopal Church, Pennsylvania.

In the House of Clerical and Lay Deputies.

William Smith, D.D. President of the House of Clerical and Lay Deputies, and Clerical Deputy from Maryland.

New Hampshire and Massachusetts, Samuel Parker, D.D., etc.

Connecticut, Bela Hubbard, A.M., etc.

August, 1789.

Virginia, Robert Andrews.

South Carolina, Robert Smith, etc.

October, 1789.

New York, Benjamin Moore, D.D., etc.

New Jersey, Uzal Ogden, etc.

Pennsylvania, Samuel Magaw, D.D., etc.

Delaware, Joseph Cowden, A.M., etc.

Maryland, John Bisset, A.M., etc.

Virginia, John Bracken, etc.

South Carolina, Robert Smith, D.D., etc.

APPENDIX E.

THE CONSTITUTION AS PRINTED WITH THE DIGEST OF CANONS OF GENERAL CONVENTION, 1893.

CONSTITUTION ADOPTED IN GENERAL CONVENTION IN PHILADELPHIA, OCTOBER, 1789.

ARTICLE 1.

There shall be a General Convention of the Protestant Episcopal Church in the United States of America on the first Wednesday in October, in every third year, from the year of our Lord one thousand eight hundred and forty one; and in such place as shall be determined by the Convention; and in case there shall be an Epidemic disease, or any other good cause to render it necessary to alter the place fixed on for any such meeting of the Convention, the Presiding Bishop shall have it in his power to appoint another convenient place (as near as may be to the place so fixed on) for the holding of such Convention: and special meetings may be called at other times, in the manner hereafter to be provided for; and this Church, in a majority of the Dioceses which shall have adopted this Constitution, shall be represented before they shall proceed to business; except that the representation from two Dioceses shall be sufficient to adjourn; and in all business of the Convention freedom of debate shall be allowed.

ARTICLE 2.

The Church in each Diocese shall be entitled to a representation of both the Clergy and the Laity. Such representation shall consist of not more than four Clergymen and four Laymen, communicants in this Church, residents in the Diocese, and chosen in the manner prescribed by the Convention thereof: and in all questions when required by the Clerical or Lay representation from any Diocese, each Order shall

have one vote : and the majority of suffrages by Dioceses shall be conclusive in each Order, provided such majority comprehend a majority of the Dioceses represented in that Order. The concurrence of both Orders shall be necessary to constitute a vote of the House of Deputies. If the Convention of any Diocese should neglect or decline to appoint Clerical Deputies, or if they should neglect or decline to appoint Lay Deputies, or if any of those of either Order appointed should neglect to attend, or be prevented by sickness or any other accident, such Diocese shall nevertheless be considered as duly represented by such Deputy or Deputies as may attend, whether Lay or Clerical. And if through the neglect of the Convention of any of the Churches which shall have adopted or may hereafter adopt this Constitution, no Deputies, either Lay or Clerical, should attend at any General Convention, the Church in such Diocese shall nevertheless be bound by the acts of such Convention.

Article 3.

The Bishops of this Church, when there shall be three or more, shall, whenever General Conventions are held, form a separate House, with a right to originate and propose acts for the concurrence of the House of Deputies composed of Clergy and Laity ; and when any proposed act shall have passed the House of Deputies, the same shall be transmitted to the House of Bishops, who shall have a negative thereupon ; and all acts of the Convention shall be authenticated by both Houses. And in all cases the House of Bishops shall signify to the House of Deputies their approbation or disapprobation (the latter with their reasons in writing) within three days after the proposed act shall have been reported to them for concurrence ; and in failure thereof, it shall have the operation of a law. But until there shall be three or more Bishops, as aforesaid, any Bishop attending a General Convention shall be a member *ex officio*, and shall vote with the Clerical Deputies of the Diocese to which he belongs ; and a Bishop shall then preside.

ARTICLE 4.

The Bishop or Bishops in every Diocese shall be chosen agreeably to such rules as shall be fixed by the Convention of that Diocese; and every Bishop of this Church shall confine the exercise of his Episcopal Office to his proper Diocese, unless requested to ordain, or confirm, or perform any other act of the Episcopal Office in another Diocese by the Ecclesiastical authority thereof.

ARTICLE 5.

A Protestant Episcopal Church in any of the United States, or any Territory thereof, not now represented, may, at any time hereafter, be admitted on acceding to this Constitution; and a new Diocese, to be formed from one or more existing Dioceses, may be admitted under the following restrictions, viz.;—

No new Diocese shall be formed or erected within the limits of any other Diocese, nor shall any Diocese be formed by the junction of two or more Dioceses, or parts of Dioceses, unless with the consent of the Bishop and Convention of each of the Dioceses concerned, as well as of the General Convention, and such consent shall not be given by the General Convention until it has satisfactory assurance of a suitable provision for the support of the Episcopate in the contemplated new Diocese.

No such new Diocese shall be formed which shall contain less than six Parishes, or less than six Presbyters who have been for at least one year canonically resident within the bounds of such new Diocese, regularly settled in a Parish or Congregation, and qualified to vote for a Bishop. Nor shall such new Diocese be formed if thereby any existing Diocese shall be so reduced as to contain less than twelve Parishes, or less than twelve Presbyters who have been residing therein and settled and qualified as above mentioned; Provided that no city shall form more than one Diocese.

In case one Diocese shall be divided into two or more Dio-

ceses, the Diocesan of the Diocese divided may elect the one to which he will be attached, and shall thereupon become the Diocesan thereof; and the Assistant Bishop, if there be one, may elect the one to which he will be attached; and if it be not the one elected by the Bishop, he shall be the Diocesan thereof.

Whenever the division of a Diocese into two or more Dioceses shall be ratified by the General Convention, each of the Dioceses shall be subject to the Constitution and Canons of the Diocese so divided, except as local circumstances may prevent, until the same may be altered in either Diocese by the Convention thereof. And whenever a Diocese shall be formed out of two or more existing Dioceses, the new Diocese shall be subject to the Constitution and Canons of that one of the said existing Dioceses to which the greater number of Clergymen shall have belonged prior to the erection of such new Diocese, until the same may be altered by the Convention of the new Diocese.

ARTICLE 6.

The mode of trying Bishops shall be provided by the General Convention. The Court appointed for that purpose shall be composed of Bishops only. In every Diocese, the mode of trying Presbyters and Deacons may be instituted by the Convention of the Diocese. None but a Bishop shall pronounce sentence of admonition, suspension, or degradation from the Ministry, on any Clergyman, whether Bishop, Presbyter or Deacon.

ARTICLE 7.

No person shall be admitted to Holy Orders until he shall have been examined by the Bishop, and by two Presbyters, and shall have exhibited such testimonials and other requisites as the Canons, in that case provided, may direct. Nor shall any person be ordained until he shall have subscribed the following declaration:

I do believe the Holy Scriptures of the Old and New Testament to be the Word of God, and to contain all things

necessary to salvation; and I do solemnly engage to conform to the Doctrines and Worship of the Protestant Episcopal Church in the United States.

No person ordained by a foreign Bishop shall be permitted to officiate as a Minister of this Church, until he shall have complied with the Canon or Canons in that case provided, and have also subscribed the aforesaid Declaration.

Article 8.

A Book of Common Prayer, Administration of the Sacraments, and other Rites and Ceremonies of the Church, Articles of Religion, and a Form and Manner of making, ordaining and consecrating Bishops, Priests, and Deacons, when established by this or a future General Convention, shall be used in the Protestant Episcopal Church in those Dioceses which shall have adopted this Constitution.

No alteration or addition shall be made in the Book of Common Prayer or other offices of the Church, or the Articles of Religion, unless the same shall be proposed in one General Convention, and by a resolve thereof made known to the Convention of every Diocese, and adopted at the subsequent General Convention.

Provided, however, That the General Convention shall have power, from time to time, to amend the Lectionary; but no act for this purpose shall be valid which is not voted for by a majority of the whole number of Bishops entitled to seats in the House of Bishops, and by a majority of all the Dioceses entitled to representation in the House of Deputies.

Article 9.

This Constitution shall be unalterable, unless in General Convention, by the Church in a majority of the Dioceses which may have adopted the same; and all alterations shall be first proposed in one General Convention, and made known to the several Diocesan Conventions, before they shall be finally agreed to, or ratified, in the ensuing General Convention.

ARTICLE 10.

Bishops for foreign countries, on due application therefrom, may be consecrated, with the approbation of the Bishops of this Church, or a majority of them, signified to the Presiding Bishop; he thereupon taking order for the same, and they being satisfied that the person designated for the office has been duly chosen and properly qualified; the Order of Consecration to be conformed, as nearly as may be, in the judgment of the Bishops, to the one used in this Church. Such Bishops so consecrated, shall not be eligible to the Office of Diocesan or Assistant Bishop, in any Diocese in the United States, nor be entitled to a seat in the House of Bishops, nor exercise any Episcopal authority in said States.

*Done in the General Convention of the Bishops, Clergy and Laity of the Church, the 2d day of October, 1789.**

* This attestation clause is here placed after the Constitution as now existing, it is presumed for the purpose of pointing out that it is the same Constitution, although since frequently amended, which was originally adopted in the second session of 1789; not, of course, as a statement that the Constitution as it now stands was adopted at that time; although from the statement by itself, one who was not aware of its previous history might suppose this to be the case.

WORKS CITED.

Andrewes, Bishop. Summary View of Government of Old and New Testament.

American Church Review, New York.

Bailey, Rev. T. J. Mission and Jurisdiction.

Barbour's Reports, New York. Walker *v.* Wainwright.

Beveridge, Bishop. Codex Canonum, etc.

Bilson, Bishop. Perpetual Government of the Church.

Bingham, Rev. Joseph. Christian Antiquities.

Bioren's Journals of General Convention.

Blackstone, Sir William. Commentaries.

Blunt's Theological and Historical Dictionary.

Bryce, Professor. The Holy Roman Empire.

Constitutions, Civil and Ecclesiastical.

Church Eclectic, New York. October, 1889.

Cumberland, Bishop. Laws of Nature.

Digest, Canons General Convention.

Dwight, Professor. Introduction to Maine's Ancient Law.

Dix, Rev. Dr. Morgan. The Sacramental System of the Church.

Egar, Rev. Dr. J. H. Ecclesiastical and Political Christendom.

Field, Rev. Dr. Of the Church.

Fulton, Rev. Dr. John. Index Canonum.

Gibson, Bishop. Codex.

Hawks, Rev. Dr. F. L. Constitution and Canons.

Hoffman, Hon. Murray. Law of the Church.

Holst, Dr. H. von. Constitutional Law, United States of America.

Hooker, Rev. Richard. Ecclesiastical Polity.

Hook's Church Dictionary.

Illinois Reports. Chase *v.* Cheney.

Jackson, Dean. Works.

Jarvis, Rev. Dr. S. F. Church of the Redeemed.

Kennett's Ecclesiastical Synods.

Kent, Chancellor. Commentaries.

Lathbury's History of Convocation.

Lewis's Antiquities of the Hebrew Republic.

Maine, Sir Henry Sumner. Ancient Law.

Marshall, Dr. Nathaniel. Ecclesiastical and Civil Powers.

Mason, Francis. Consecration of English Bishops.

Outram, Rev. William. On Sacrifices.

Palmer, Rev. William. Of the Church of Christ.

Palmer, Rev. William. Antiquities of English Ritual.

Percival's Roman Schism Illustrated.

Potter, Archbishop. Discourse on Church Government.

Puffendorf, Baron. Law of Nature and of Nations.

Rattray, Bishop. Election of Bishops.

Shea, Hon. George. Life and Epoch of Alexander Hamilton.

Seabury, Bishop. Discourses.

Seabury, Rev. Dr. Samuel. Discourses on Nature and Work of the Holy Spirit.

Seabury, Rev. Dr. Samuel. The Continuity of the Church of England in the Sixteenth Century.

Seabury, W. J. Sermons, Election of Bishop Seabury, and Civil Analogy: Art. on Gen. Conv. in The Church Cyclopædia.

Seabury's Haddan, on Apostolic Succession.

Vinton, Rev. Dr. Francis. Manual Commentary on Canon Law.

Warren's Synodalia.

Wilson, Rev. Dr. The Church Identified.

Wilson, Rev. Dr. The Provincial System.

White, Bishop. Memoirs.

TEXTS CITED.

Gen. iii. 15.
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